





SPANISH
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AND

DOCUMENTS

1896--1900

PRESENTED TO THE CORTES BY THE
MINISTER OF STATE

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CONTENTS.

PART I.

General negotiations with the United States from April 10, 1896, until the declaration of war.

Subject.	No. of document.	Pages.
Political situation in Cuba.....	1 to 59	3 to 80
Retirement of Señor Dupuy de Lome, Spanish minister at Washington.....	60 to 67	80 to 85
Destruction of U. S. S. <i>Maine</i> in Habana Harbor.....	68 to 142	85 to 133
Rupture of diplomatic relations with the United States.....	144 to 149	134 to 139

LIST OF PAPERS.

No.	From and to whom	Date.	Subject.	Page.
		1896.		
1	The Spanish minister at Washington to the Minister of State.	Apr. 10	Incloses copy of note from Secretary of State tendering good offices to terminate insurrection in Cuba.	3
2	The Minister of State to the Spanish minister.	May 22	Declines offer of Secretary of State, with thanks, having already determined to grant certain concessions in the Antilles, by authorization of the new Cortes.	8
3	The Spanish minister at Washington to the Minister of State.	June 11	Has carried out above instructions. In conference with Secretary of State, Mr. Olney has shown himself very reserved in view of refusal to accept his offer of good offices.	13
4	Same to same.....	Dec. 9	Incloses extracts from President Cleveland's message of December 8, stating that the United States will not intervene in Cuba unless Spain shows herself incapable of quenching the rebellion.	14
		1897.		
5	The Minister of State to the Spanish minister at Washington (telegram).	Feb. 4	Decree just signed authorizing remitting to the Council of State the project for reforms in Cuba and Porto Rico.	19
6	Same to same.....	Feb. 6	Communicates substance of above-mentioned administrative reforms in Antilles.	19
7	The Spanish minister at Washington to the Minister of State (telegram).	Feb. 13	Reports that President Cleveland and Secretary of State think the reforms all that could be asked, and more than had been expected.	24
8	Same to same.....	June 28	Incloses note from Secretary Sherman protesting in the name of humanity and the interests of the United States in Cuba against the decrees and acts of General Weyler for quenching the rebellion, and particularly protesting against the reconcentration order.	24
9	Same to same.....	July 2	Incloses copy of the note he has addressed to Mr. Sherman, making observations upon the note of the Secretary of State.	26

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1897.		
10	The Minister of State to the Spanish minister at Washington.	Aug. 4	Acknowledges receipt of document No. 8. Directs answer to Mr. Sherman's note of June 26, protesting against the views of the United States and affirming that the war against the Cuban insurgents is carried on in accordance with prescriptions of civilization. Refers to concrete acts of the American civil war.	28
11	The Spanish minister at Washington to the Minister of State (telegram).	Sept. 6	Has complied with foregoing instructions.....	35
12	Same to same.....	Sept. 16	Reports that Assistant Secretary of State, Mr. Day, denies sensational reports, and states that the mission of Mr. Woodford, the new minister from the United States, is highly pacific.	36
13	The American minister at Madrid to the Minister of State.	Sept. 23	By order of President, again tenders good offices of United States to terminate struggle in Cuba, declaring that its continuance is prejudicial to American interests.	36
14	The Minister of State to the representatives of His Majesty abroad (circular telegram).	Oct. 14	Communicates formation of new Cabinet, presided over by Señor Sagasta.	36
15	The Minister of State to the Spanish minister at Washington (telegram).	Oct. 17	Announces appointment of General Blanco as Governor-General of Cuba, and asks to be advised of political affairs in United States.	37
16	The Spanish minister to the Minister of State (telegram).	Oct. 19	Acknowledges foregoing, and states that he will have a conversation with Mr. Day, Assistant Secretary of State.	37
17	Same to same.....	Oct. 20	Reports that Mr. Day has intimated that the attitude of the United States on Cuban question has changed from one of aggression to one of expectation. At this time matters of local politics wholly engage the President's attention.	38
18	The Minister of State to the American minister at Madrid.	Oct. 23	Answers note of September 23. Spanish Government, led by Señor Sagasta, will endeavor to pacify Cuba, not only by humane and energetic military operations, but by a political attitude which will insure ample autonomy in Antilles. Begs to be informed of proposed action of President McKinley in preventing the departure of filibustering expeditions.	38
19	The Under Minister of State to the Spanish minister at Washington.	.....do.....	Incloses copies of the American note of September 23 and of the Spanish answer of October 23.	38
20	The American minister at Madrid to the Minister of State.	Oct. 30	Answers last Spanish note. Says United States has always loyally complied with the obligations imposed by international law with regard to filibustering expeditions. Requests copy of the manifesto of the Liberal party of June 24.	39
21	The Minister of State to the American minister at Madrid.	Nov. 3	Acknowledges above and incloses requested manifesto.	39
22	The Spanish minister at Washington to the Minister of State (telegram).	.....do.....	States that Estrado Palma denies efficacy of autonomy offered by Spain. Adds that Mr. Taylor, ex-minister to Spain, has published in several papers articles against Spain.	39

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1897.		
23	The Spanish minister at Washington to the Minister of State (telegram).	Nov. 12	Announces presentation of Señor Canalejas to President McKinley, who expressed a desire for peace and sympathy for Spain.	39
24	The Minister of State to the Spanish minister (telegram).	Nov. 14	Expresses satisfaction in learning of the President's expressions, which are confirmed by Mr. Woodford.	40
25	The Spanish minister to the Minister of State (telegram).	Nov. 25	Reports situation improving, and that according to his information Mr. McKinley's message will be favorable to Spain and just to His Majesty's intentions.	40
26	The Minister of State to the Spanish minister (telegram).	Nov. 26	Announces that autonomy decrees for Cuba and Porto Rico will be signed following day, and transmits extracts.	40
27	The Spanish minister to the Minister of State (telegram).	Nov. 29	States that Mr. McKinley is convinced of the sincerity of Spain in granting autonomy.	42
28	The Minister of State to the Spanish minister (telegram).	Nov. 30	Instructs him to ascertain contents of President's message.	43
29	The Spanish minister to the Minister of State (telegram).	Dec. 2	Expresses belief that President's message will be pacific, and declares that the situation has never been better nor his mission easier since May, 1895.	43
30	Same to same.....	Dec. 6	Incloses extract from message, in which Mr. McKinley declares it would be, in his belief, imprudent at the moment to recognize belligerency of Cuban insurgents; must await fruits of reforms being established in Cuba; that he will change his policy when convinced that these reforms do not conduce to peace in the island; adding that he could only intervene by force when necessity should show clearly that Cuba merited the aid of the civilized world.	43
31	The Spanish minister to the Minister of State (telegram).	Dec. 8	Announces that the public and the majority of the newspapers of the United States think Mr. McKinley's message a good augury for peace.	51
32	The Minister of State to the Spanish minister (telegram).	Dec. 16	Requests information concerning the departure of the American squadron for Mexico.	51
33	The Spanish minister to the Minister of State (telegram).	.....do	Replying to foregoing, says squadron is going for the practice of annual maneuvers and exercises.	52
34	The American minister at Madrid to the Minister of State (telegram).	Dec. 20	Having transmitted to his Government Spanish note of October 21 and manifesto of June 24, President McKinley has instructed him to say that both papers have had careful consideration. The President hopes that the complete pacification of Cuba will result from the new reforms, such pacification being necessary for the well-being of the American people, at the same time stating that the United States will continue its attitude of benevolent expectancy to hear that in the near future peace may be realized.	52
		1898.		
35	The Minister of State to the Spanish minister at Washington (telegram).	Jan. 3	Directs him to telegraph his views of the political situation.	62

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
36	The Spanish minister to the Minister of State (telegram).	Jan. 5	Reports that as yet can not advise as to the political outlook, but believes situation is improving day by day.	62
37	The Minister of State to the Spanish minister (telegram).	Jan. 13	Recounts events in Habana, directing that exaggerated reports published in United States be corrected.	63
38	The Spanish minister to the Minister of State (telegram).	Jan. 14	Reports that Senator Cannon, of Utah, has introduced a resolution recommending that steps be taken for the defense of American lives and interests in Cuba.	63
39	The Spanish minister to the Minister of State (telegram).	.....do.....	Reports that he has corrected the exaggerated accounts of the occurrences in Habana.	63
40	Same to same.....	.....do.....	Reports that the last dispatches from the American consul at Habana, Mr. Lee, are not alarming, but that, nevertheless, public opinion in the United States is much excited.	64
41	Same to same.....	.....do.....	Reports that the recent events in Habana have caused much rejoicing among the friends of the filibusterers, for which reason it is essential that such occurrences be not repeated.	64
42	Same to same.....	Jan. 16	Reports that news from Habana is not improved; adds that he has had an interview with the correspondent of the Herald, who told him that the President would land troops in Habana if the occurrences were repeated.	64
43	The Minister of State to the Spanish minister (telegram).	Jan. 17	Directs him to see Mr. Day and say that according to a telegraphic report from General Blanco order is restored and statement of Herald lacks all pretense of truth.	65
44	The Spanish minister to the Minister of State (telegram).	Jan. 19	Reports that the sentiment is more tranquil since last reports from Habana, but Mr. Lee has reiterated the statement that autonomy in Cuba is a failure.	66
45	The Minister of State to the Spanish minister (telegram).	Jan. 20	Directs him to avail of first opportunity to inform United States Government of the incorrectness of Consul-General Lee's reports, preparing the way for his transfer.	66
46	The Spanish minister to the Minister of State (telegram).	.....do.....	Reports an interview with Mr. Day in which he told him that the policy of the United States ought to be in accord with that of Spain, and ought to make known to the junta in New York that it must cease its operations.	67
47	Same to same.....	Jan. 22	Reports that the Cabinet had agreed not to change its policy with Spain regarding the Cuban question.	67
48	Same to same.....	Jan. 24	Reports a conference with Mr. Day in which the latter declared that the United States would continue to follow the policy outlined in the last message, which leaves full liberty to the Spanish Government to work out its policy.	68
49	Same to same.....	.....do.....	Reports that Mr. Day, referring to an interview with the President, says that the President is so well satisfied with the progress of Spanish-American commercial negotiations that he has decided to send the United States cruiser <i>Maine</i> on a friendly visit to the port of Habana.	68

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
50	The Minister of State to the Spanish minister (telegram).	1898. Jan. 25	Approves his course, and dwells upon the advisability of reiterating the surprise felt by His Majesty at the lack of confidence which the United States shows toward the effectiveness of the colonial change of policy. Adds that the projected trip of the <i>Maine</i> to Cuban waters will be viewed by Spain as a testimony of friendship. The latter, in its turn, will send Spanish war vessels to visit American ports.	69
51	The Spanish minister to the Minister of State (telegram).	.....do	Reports that international affairs are much improved, and says he has confirmed to the United States Government Spain's certainty of its ability to quell completely the insurrection.	69
52	The American minister at Madrid to the Spanish Minister of State.	.....do	Communicates officially the intention of his Government to resume naval visits to Cuban ports, and the decision to send the cruiser <i>Maine</i> to Habana on such mission.	70
53	The Minister of State to the American minister.	Jan. 26	Replies to foregoing, appreciating friendly intentions of the United States, to which Spain will respond by sending certain vessels of the Spanish squadron to visit American waters.	70
54	The Spanish minister at Washington to the Minister of State (telegram).	Jan. 28	Reports that, at the annual Cabinet dinner of the President to the diplomatic corps, the former stated his satisfaction at the course of events, adding that he would trust in the future and in a solution of the pending struggle.	71
55	The Minister of State to the American minister at Madrid.	Feb. 1	Acknowledges the note of December 20. Sets forth His Majesty's pleasure that the United States had recognized the efficacy of the reforms for the pacification of Cuba. Adds that the work of the reforms can not be accomplished in a few days; intimates that armed intervention would mean war; and sets forth the duties of international friendship.	71
56	The Under Minister of State to the Spanish minister at Washington.	.....do	Incloses copy of above notes.....	79
57	The Minister of State to the Spanish minister (telegram).	Feb. 5	Requests all available information concerning movement of American war vessels.	79
58	The Spanish minister to the Minister of State (telegram).	Feb. 7	Replies that the reason for the movement of the fleet is that the American Government wishes to divert the jingoes, now that the predictions of Consul Lee are not confirmed.	79
59	The Minister of State to the ambassadors of His Majesty abroad (telegram).	Feb. 8	States that the concentration of American naval forces near Cuba arouses apprehensions in Spain. Adds that Spain is endeavoring to maintain an attitude of strictest rectitude.	80
60	The Spanish minister to the Minister of State (telegram).	.....do	Reports that Journal will publish following day a letter criticising Mr. McKinley, which the minister had addressed to Señor Canalejas; believing that his position will consequently be untenable in Washington, he places his post at the disposition of his Government.	80
61	Same to same.....	Feb. 9	States that Assistant Secretary Day visited him to ask if he admitted as his a letter which the Journal had published in its columns, which question he answered affirmatively.	81

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
62	The Minister of State to the Spanish minister (telegram).	Feb. 10	Advises him of a meeting of the Cabinet Council, accepting his resignation, and stating that American minister at Madrid has been informed thereof.	81
63	The American minister at Madrid to the Minister of State (note verbale).	Feb. 11	Communicates an instruction from Washington relative to the Dupuy incident, and demanding immediate recall of the minister.	82
64	The Spanish minister at Washington to the Minister of State (telegram).	.....do.....	Reports that he has turned legation over to first secretary, Du Bosc.	82
65	The American minister at Madrid to the Minister of State.	Feb. 14	Regrets that after lapse of four days since he read to him the text of the letter addressed by the Spanish minister at Washington to Señor Canalejas, published in the Journal, the Spanish Government has not disavowed the sentiments expressed by Señor Dupuy.	82
66	The Minister of State to the American minister (note).	Feb. 16	Answers foregoing note, stating that the best proof that the Spanish Government disavows Señor Dupuy's conduct is that the resignation which he had tendered was accepted at once.	84
67	The American minister to the Minister of State.	.....do.....	Acknowledges receipt of foregoing communication, and says that the United States considers the Dupuy incident happily closed.	85
68	The Minister of State to the Spanish chargé d'affaires at Washington (telegram).	.....do.....	Directs him to express to the American Government the profound sympathy of His Majesty for the blowing up of the <i>Maine</i> .	85
69	The Spanish chargé d'affaires to the Minister of State (telegram).	.....do.....	Has complied with the task intrusted to him, and reports that the American cruiser <i>Montgomery</i> will shortly return to Key West from Jamaica.	86
70	The Minister of State to the Spanish chargé d'affaires (telegram).	Feb. 17	Directs him to personally express to President McKinley the sorrow of Her Majesty the Queen Regent over the destruction of the <i>Maine</i> .	86
71	The Spanish chargé d'affaires to the Minister of State (telegram).	Feb. 18	States his compliance with the high mission conferred upon him in Her Majesty's name, and transmits the thanks of Mr. McKinley for the sympathy of the Queen Regent by reason of the loss of the <i>Maine</i> .	86
72	The American minister at Madrid to the Minister of State.	.....do.....	Expresses thanks in name of his Government and in his own for sympathy shown by Her Majesty and by the Spanish Government and people over the accident to the <i>Maine</i> .	87
73	The Spanish chargé d'affaires at Madrid to the Minister of State (telegram).	Feb. 23	Reports great activity in arsenals to finish important work.	88
74	Same to same.....	Feb. 25	Reports that in spite of Mr. Day having denied that there is any fresh news from Habana there is great excitement in the United States through the circulation of a rumor that the <i>Maine</i> was blown up by a submarine mine.	88
75	The Minister of State to the Spanish chargé d'affaires (telegram).	Feb. 26	Directs him to contradict the false reports, originated by the filibusterers, concerning the <i>Maine</i> catastrophe. Advises him that Señor Polo has been appointed Spanish minister at Washington and is departing for his post.	88

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
76	The Spanish chargé d'affaires to the Minister of State (telegram).	Feb. 27	Reports having obtained from United States Government permission for Spanish divers to examine the wreck of the <i>Maine</i> , but independently and separately from the Americans.	89
77	The Minister of State to the Spanish chargé d'affaires (telegram).	Mar. 3	Directs him to represent to the American Government the complications which would be caused by sending succor to reconcentrados in American war vessels.	89
78	The Spanish chargé d'affaires to the Minister of State (telegram).	Mar. 6	Reports that United States will refrain from sending succor in war vessels, but Mr. Day has asked if it would be acceptable to have them conveyed on the boat <i>Fern</i> .	90
79	The Spanish minister to the Minister of State (telegram).	Mar. 10	Reports arrival at new post, and fears, from his first impressions, that report on the <i>Maine</i> is going to cause a grave situation.	90
80	The Spanish ambassador at London to the Minister of State (telegram).	.....do	Denies rumor that British ambassador at Washington has offered cooperation of England in case United States and Spain should come to war.	90
81	The Spanish minister at Washington to the Minister of State (telegram).	Mar. 11	Reports his first conference with Secretary of State, Mr. Sherman, who told him that the situation had improved, and that the only pending matter was that of the <i>Maine</i> .	90
82	Same to same.....	Mar. 12	Reports his reception by the President, who made a friendly address.	91
83	The Minister of State to the Spanish minister (telegram).	.....do	Charges him to represent the danger the present situation will have if it is prolonged indefinitely, and the need that all pressure or menace shall disappear if autonomy is to be effective.	91
84	The Spanish minister to the Minister of State (telegram).	Mar. 16	Reports conference with Mr. Day, in which he told the minister that war preparations were induced by Spain's armament; that the United States desired peace.	91
85	The Minister of State to the Spanish ambassadors abroad (telegram).	.....do	Calls attention to inconsistency of United States in attributing <i>Maine</i> catastrophe to an origin false and calumnious.	92
86	The Minister of State to the Spanish minister at Washington (telegram).	Mar. 17	Approves his statements in interview with Mr. Day. Charges him to note the difference of Spanish attitude to that of United States.	93
87	The Spanish minister to the Minister of State (telegram).	Mar. 19	Reports effect of Senator Proctor's speech against Spain. States formation of squadron in Hampton Roads.	93
88	The Minister of State to the Spanish ambassadors abroad (telegram).	Mar. 22	Announces that reports from United States are not satisfactory, since public feeling against Spain has been permitted to grow stronger.	94
89	The American minister at Madrid to the Minister of State.	.....do	Asks an interview, at which he also desires the presence of Minister of Colonies.	94
90	The Minister of State to American minister.	.....do	Acknowledges foregoing, granting audience on following day.	94
91	Memorandum delivered by American minister at Madrid.	Mar. 23	Says President has in his possession American report on <i>Maine</i> explosion; states that if in a very few days an agreement is not reached assuring immediate peace in Cuba the President will submit the whole history of the relations between the United States and Spain (together with the <i>Maine</i> report) to Congress.	95
92	The Minister of State to the Spanish representatives abroad (circular telegram).	Mar. 24	Reports conference with American minister, the latter's demands, and the reply he will make, showing the different conduct of the Spanish and American Governments.	95

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
93	Memorandum delivered by Minister of State to American minister.	Mar. 25	Represents injustice of submitting to Congress a subject which has not yet been discussed by the two interested Governments; shows disposition to submit question of <i>Maine</i> to arbitration; and, regarding proposition for peace in Cuba, says Madrid Cabinet must have participation of insular chambers, which convene on May 4 next.	96
94	The Spanish minister at Washington to the Minister of State (telegram).	.....do.....	Reports an interview with Mr. Day, in which he said that American report showed that explosion of <i>Maine</i> was due to exterior cause, and that the President must do something to quiet the excitement in Congress.	97
95	The Minister of State to the Spanish representatives abroad (telegram).	.....do.....	Announces that the President of the United States will submit question of the <i>Maine</i> to Congress; and as this may provoke a conflict, the Spanish Government asks counsel and, in last resort, mediation of friendly powers.	98
96	The Spanish ambassador at Paris to the Minister of State (telegram).	.....do.....	Reports conference with the French Minister for Foreign Affairs, who will take up the subject with England.	99
97	The Spanish ambassador near the Holy See to the Minister of State (telegram).	.....do.....	Reports conference with Cardinal Rampolla, who approves the sense of proposed reply of the Spanish Government to the United States.	99
98	The Spanish ambassador at London to the Minister of State (telegram).	Mar. 26	Says Mr. Balfour has taken into consideration the statements of the Spanish Government.	100
99	The Spanish ambassador at Vienna to the Minister of State (telegram).	Mar. 27	States that Minister for Foreign Affairs thinks it essential to publish Spanish report on the <i>Maine</i> .	100
100	The Spanish ambassador at St. Petersburg to the Minister of State.	.....do.....	Announces that the Russian Minister for Foreign Affairs has shown himself full of sympathy for Spain.	101
101	The Spanish ambassador at Rome to the Minister of State (telegram).	.....do.....	Reports that he has had a conference with the Italian Minister for Foreign Affairs, who has assured him that he will act in accord with the great powers.	101
102	The Spanish minister at Washington to the Minister of State (telegram).	.....do.....	Announces that the report of the <i>Maine</i> has caused a deep impression. States that the Vice-President called and expressed hope of peace.	101
103	The Minister of State to the Spanish minister (telegram).	.....do.....	Transmits telegraphic extract received by the Minister of Marine relative to the Spanish report on the <i>Maine</i> .	102
104	The Spanish ambassador at Berlin to the Minister of State (telegram).	Mar. 28	Reports a conference with the Imperial German Chancellor, who listened appreciatively to the statements of the Spanish Government.	103
105	The American minister at Madrid to the Minister of State.	.....do.....	States receipt of telegraphic extract of American report on the <i>Maine</i> , which he will communicate at an interview, which he asks.	103
106	Same to same (memorandum).	.....do.....	Contains promised extract of the American report on the <i>Maine</i> , and the conclusion of the United States Government that grave responsibility rests on Spain.	104
107	The Minister of State to the American minister.	.....do.....	States that the President of the Council has consented to a postponement of the Cabinet and will receive the American minister on the following day.	106

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
108	Memorandum handed by the American minister to the President of the Cabinet Council.	1898. Mar. 29	Says President desires immediate peace in Cuba and suggests an armistice until October 1.	106
109	The Spanish ambassador at St. Petersburg to the Minister of State (telegram).	Mar. 30	Reports an interview with Russian Minister for Foreign Affairs, who expressed great hope for peace from the assurances received from the American ambassador.	107
110	Reply of the Cabinet Council delivered through the Minister of State to the American minister at Madrid.	Mar. 31	States Spain's readiness to submit to arbitration the question of the <i>Maine</i> ; that the bandos of reconcentration in the western provinces of Cuba have been revoked; that the Spanish Government will intrust to the insular cortes the establishment of peace in Cuba; that it will concede a suspension of hostilities, if asked by insurgents.	107
111	The Minister of State to the Spanish representatives abroad (telegram).	.....do	Gives substance of reply handed to the American minister and instructs him to urge action for its acceptance in Washington.	108
112	The Spanish ambassador at London to the Minister of State (telegram).	Apr. 2	States that Mr. Balfour believes the President of the United States is as desirous of peace as the Spanish Government.	109
113	The Spanish ambassador near the Holy See to the Minister of State (telegram).	.....do	States that Cardinal Rampolla has been to see him on behalf of Pope and, in view of gravity of situation, to ask if the intervention of His Holiness to ask an armistice would save the national dignity.	109
114	The Spanish ambassador at Paris to the Minister of State (telegram).	Apr. 3	Announces that according to the French Minister for Foreign Affairs the Assistant Secretary of State of the United States has not lost hope of averting war.	110
115	The Spanish minister at Washington to the Minister of State (telegram).	.....do	Reports arrival of naval attaché with the Spanish report of the <i>Maine</i> , and adds that he has hastened to send it to the State Department.	110
116	The Minister of State to the Spanish ambassador near the Holy See (telegram).	.....do	Says Spanish Government will be grateful for mediation of His Holiness, and suggests desirability of making the suspension of hostilities in unison with retirement of American squadron.	110
117	The Spanish minister at Washington to the Minister of State (telegram).	Apr. 4	Reports interview with Archbishop Ireland, sent by His Holiness, who urged a suspension of hostilities in Cuba.	111
118	The American minister at Madrid to the Minister of State.	Apr. 6	Is surprised not to have received any official notification of suspension of hostilities in Cuba, and says that if it is communicated to him before 12 that night the President can receive the news in time to transmit it to Congress Thursday.	111
119	The Minister of State to the American minister.	.....do	Answers foregoing, stating he had not promised a notification of any kind and that he can add nothing to the communication of March 29.	112
120	The Spanish minister at Washington to the Minister of State (telegram).	.....do	Gives account of another interview with Archbishop Ireland, who insistently advised suspension of hostilities in Cuba.	112
121	Same to same.....	Apr. 7	Reports that representatives of the six great powers at Washington have presented to Mr. McKinley a collective note in favor of peace.	113
122	The American minister at Madrid to the Minister of State.	.....do	Withdraws his note of April 6 and says President has postponed presentation of his message to Congress until the 11th.	113

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
123	The Minister of State to the ambassador of Austria-Hungary at Madrid.	Apr. 9	States that Spanish Government has duly considered collective visit which the representatives of the powers paid to him that day; states that he has directed the general in chief in Cuba to grant an immediate suspension of hostilities to prepare and facilitate peace.	114
124	The Austro-Hungarian ambassador at Madrid to the Minister of State.	..... do.....	Acknowledges receipt of foregoing, and congratulates the Government upon the suspension of hostilities in Cuba.	114
125	The Minister of State to the Spanish ambassador near the Holy See (telegram).	..... do.....	Charges him to say to the Pope that the Spanish Government, in view of the lively, noble, and disinterested solicitude of the Holy Father, has determined to order the general in chief in Cuba to grant an immediate suspension of hostilities to prepare and facilitate peace.	115
126	The Minister of State to the Spanish ambassadors abroad (telegram).	..... do.....	Announces that suspension of hostilities has been conceded in Cuba; directs him to represent the facts so that a natural and just consideration in return may be shown, as well with regard to the situation of the American squadron as in the encouragement of the insurgents.	115
127	The Minister of State to the Spanish minister at Washington (telegram).	..... do.....	Informs him of the suspension of hostilities, in the hope that so important an act may be duly responded to by the United States.	116
128	The Spanish minister at Washington to the Minister of State (telegram).	Apr. 10	Acknowledges receipt of foregoing telegram, and says that the President was informed of the suspension of hostilities by the American minister at Madrid and by the secretary of His Holiness.	116
129	Same to same.....	Apr. 11	Transmits President's message, in which he indicates armed intervention as the only means of bringing the Cuban insurrection to an end.	116
130	The Spanish ambassador at Berlin to the Minister of State (telegram).	..... do.....	Reports interview with the Minister for Foreign Affairs, in which the latter said that their ambassador at Washington had been instructed to do everything possible in favor of peace.	119
131	The Spanish minister at Washington to the Minister of State.	Apr. 12	Incloses copy of the memorandum which he delivered on the 10th to Mr. Day, in which he refers to the concessions made by Spain in favor of peace and denies all responsibility for the explosion of the <i>Maine</i> .	120
132	Same to same.....	Apr. 13	Reports joint resolution introduced in the House of Representatives asking Spain to withdraw from Cuba, and a similar report by Senate committee.	123
133	The Minister of State to the Spanish ambassador near the Holy See (telegram).	Apr. 14	In view of the attitude of the American Congress, directs him to ask the Holy Father for any final suggestions which may lend holy sanction to the justice of Spain's cause.	123
134	The Minister of State to the Spanish ambassadors abroad (telegram).	..... do.....	Reports resolution adopted in the House of Representatives; says that if it is adopted in the Senate and approved by the President the continuation of diplomatic relations between Spain and the United States will not be possible.	124
135	The Spanish ambassador at Rome to the Minister of State (telegram).	Apr. 15	Reports that he has read last telegram to the Minister for Foreign Affairs, who said the Italian Government was disposed to cooperate with great powers for peace.	124

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
136	The Spanish minister at Washington to the Minister of State (telegram).	Apr. 15	Announces that Senate has adopted a resolution even more violent than that passed by the House of Representatives, and that it will go to conference committee.	125
137	The Spanish ambassador at Berlin to the Minister of State (telegram).	.....do.....	States that he has informed Minister for Foreign Affairs of the situation, who told him that Germany would join in any propositions for peace adopted by the powers.	125
138	The Spanish ambassador at London to the Minister of State (telegram).	.....do.....	Reports interview with British Minister for Foreign Affairs, who expressed personal opinion that, until the President should approve the action of Congress, no official action ought to be taken.	125
139	The Spanish ambassador near the Holy See to the Minister of State (telegram).	Apr. 16	Transmits Pope's reply, leaving full liberty to Spain to adopt the measures it may deem necessary for the preservation of its right and dignity, and recommending not to precipitate events.	125
140	The Minister of State to the Spanish representatives abroad (circular).	Apr. 18	Incloses memorandum setting forth the incidents which have occurred from the beginning of the Cuban insurrection, to prove the right and justice of Spain.	126
141	The Spanish ambassador at London to the Minister of State (telegram).	.....do.....	States that British Under Secretary for Foreign Affairs has remarked that the divergence between the Houses of Congress would afford time to cause the Cuban insurgents to submit to Spain.	133
142	The Spanish minister at Washington to the Minister of State (telegram).	.....do.....	Reports that Congress has passed the Senate resolution, with exception of the part relative to the recognition of the so-called Cuban Republic.	133
143	Same to same.....	.....do.....	Transmits text of resolution passed by Congress, demanding Spain's abandonment of Cuba and authorizing the President of the United States to employ land and naval forces.	133
144	The Minister of State to the Spanish minister at Washington (telegram).	Apr. 19	Directs that as soon as President signs resolution, the minister shall withdraw Spanish legation personnel and depart for Canada.	134
145	The Spanish minister at Washington to the Minister of State (telegram).	Apr. 20	Reports that law has been signed. Incloses copy of note which he sent to the Secretary asking his passports, and of the ultimatum which was addressed to the Spanish Government.	134
146	The Minister of State to the American minister at Madrid.	Apr. 21	States that the President having approved the resolution denying sovereignty of Spain in Cuba, the Spanish Government considers that act a declaration of war; for which reason he declares the relations with the United States to be interrupted.	135
147	The American minister at Madrid to the Minister of State.	.....do.....	Acknowledges receipt of foregoing note; asks his passports, stating that the British embassy is charged with American interests in Spain.	135
148	The Minister of State to the representatives of Spain abroad (circular telegram).	.....do.....	Reports rupture of diplomatic relations with United States.	136
149	Same to same (royal order circular).	Apr. 23	Transmits further memorandum to the powers, setting forth recent facts and the circumstances under which Spain goes to a war provoked by the United States.	136

PART II.

Diplomatic negotiations from the beginning of the war with the United States until the signing of the protocol of August 12, 1898, and steps taken for its fulfillment.

Subject.	No. of document.	Pages.
Adhesion of Spain to the additional articles of the Geneva Convention of October 20, 1868.....	1 to 5	143 to 154
Circulars and protests issued on account of the war.....	6 to 9	155 to 167
Capture of vessels.....	10 to 29	168 to 179
Cable service.....	30 to 72	180 to 199
Preliminary negotiations of peace and protocol of August 12, 1898.....	73 to 113	200 to 227
Interpretation and fulfillment of the protocol of August 12, 1898.....	114 to 144	228 to 258
Appendix } Capture of vessels	145	259 to 260
} Cable service.....	146	260 to 264

LIST OF PAPERS.

ADHESION OF SPAIN TO ADDITIONAL ARTICLES OF GENEVA CONVENTION OF OCTOBER 20, 1868.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
1	President of Swiss Confederation to the Spanish Minister of State.	Apr. 20	Proposes Spain's adhesion to additional articles of Geneva Convention of October 20, 1868.	143
2	The Minister of State to the President of Swiss Confederation.	Apr. 21	Replies, adhering as requested	151
3	The Swiss consul-general to the Minister of State.	May 10	States that Government of the United States has likewise adhered to the additional articles of the Geneva Convention.	152
4	The Minister of State to the Swiss consul-general.	May 11	Acknowledges receipt of above.....	152
5	The Swiss consul-general to the Minister of State.	May 28	Announces that Swiss Federal Council has communicated to the powers signatory to the Convention of Geneva the determination of the Governments of Madrid and Washington to accept, as a <i>modus vivendi</i> , during the existence of hostilities, the additional articles to the Convention of October 20, 1868.	153

CIRCULARS AND PROTESTS ISSUED ON ACCOUNT OF THE WAR.

		1898.		
6	The Minister of State to the Spanish representatives abroad.	Apr. 24	Incloses copies of Gaceta publishing decree of Ministers of the Council declaring the rules of international law to which Spanish combatants will be subject during the war; and directs that the foreign governments be informed of the decree.	155
7	Under Minister of State to the Spanish representatives abroad.	May 3	Incloses two copies of the "Instructions for the exercise of the right of search" for delivery to the Minister for Foreign Affairs, showing the strict law on which they are based.	158

LIST OF PAPERS—Continued.

CIRCULARS AND PROTESTS ISSUED ON ACCOUNT OF THE WAR—continued.

No.	From and to whom.	Date.	Subject.	Page.
8	The Minister of State to the Spanish representatives abroad.	1898, May 11	Protests against the retroactive effect given by the United States to the declaration of war; against the capture of certain vessels by the American Navy; and against the form in which the latter has established blockade. Directs that copies of this protest be delivered to the Minister for Foreign Affairs.	164
9	Same to same.....	June 6	In addition to foregoing and with same object, protests against bombardment without prior notification; censures the illicit use of the Spanish flag and the cutting of cables.	165

CAPTURE OF VESSELS.

10	The Minister of State to the Spanish ambassador at Paris (telegram).	1898, Apr. 26	Not being able to appreciate the circumstances of the capture of our vessels, directs him to ask French Government to instruct the ambassador at Washington, as protector of Spanish interests, to formulate such claims as may seem advisable.	168
11	Same to same.....	.....do	Supplements foregoing. Apparently there are irregularities in some of the captures which might justify a protest to the Washington Government by the French and Austrian representatives, charged with the protection of Spanish interests.	168
12	The Spanish ambassador at Paris to the Minister of State (telegram).	Apr. 27	States that the Minister for Foreign Affairs has telegraphed in desired sense to French ambassador at Washington.	169
13	Same to same.....	May 2	Recounts interview with Minister for Foreign Affairs concerning capture of some Spanish merchant vessels.	169
14	The Spanish consul at Liverpool to the Minister of State.	June 24	Recounts appearance of captain and crew of steamer <i>Rita</i> stating that that vessel was captured by the American cruiser <i>Vale</i> .	170
15	Under Minister of State to the Spanish consul at Liverpool.	June 28	Acknowledges foregoing.....	171
16	The Minister of State to the Spanish ambassador at Paris.	July 15	Incloses protest of Señors Lopez Trigo Brothers regarding capture of the steamer <i>Guido</i> .	171
17	The Spanish ambassador at Paris to the Minister of State.	July 26	Recounts having delivered the protest of Señors Lopez Trigo Brothers to the Minister for Foreign Affairs for proper course.	173
18	The Under Minister of State to the Spanish ambassador at Paris.	Sept. 30	Sends petition of captain of sloop <i>Carlos F. Rosés</i> , captured by the American Navy, for the submission of proper claim through the medium of Minister for Foreign Affairs and ambassador at Washington.	173
19	The Spanish ambassador at Paris to the Minister of State.	Oct. 5	Sends copy of note from Minister for Foreign Affairs relative to the claim of the steamer <i>Guido</i> , with the comments of the French ambassador at Washington.	174
20	The Under Minister of State to the Spanish ambassador at Paris.	Oct. 12	Sends claim of the brigantine <i>Frasquito</i> , captured by the American Navy, for which claim is to be made at Washington through usual channel.	175

LIST OF PAPERS—Continued.

CAPTURE OF VESSELS—continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
21	The Minister of State to the Spanish ambassador at Paris.	Oct. 19	Acknowledges receipt of No. 3 relative to the capture of the <i>Guido</i> , and directs him to suspend sending the claim to the Secretary of State until some more favorable occasion.	175
22	The Spanish ambassador at Paris to the Minister of State.	Oct. 26	States having delivered to the Minister for Foreign Affairs, for appropriate course, the claim against the capture of the brigantine <i>Frasquito</i> , accompanying dispatch of 12th instant.	176
23	The Minister of State to the Spanish ambassador at Paris.	Oct. 28	Incloses claim against capture of bark <i>Lorenzo</i> , for customary course.	176
24	Same to same.....	Nov. 2	Incloses claim against capture of schooner <i>Maria Dolores</i> , for customary course.	177
25	The Spanish ambassador at Paris to the Minister of State.	Nov. 4	States having delivered the claim against capture of the <i>Lorenzo</i> to the Minister for Foreign Affairs for proper course.	177
26	Same to same.....	Nov. 25	States same with regard to claim of <i>Maria Dolores</i> .	177
27	The British ambassador at Madrid to the Minister of State (note verbale).	Oct. 28	Recounts detention of Mr. Melander, American citizen, together with the vessel which carried him, by the authorities of Ponapé. Uses good offices to ask release of prisoner and as liberal treatment as possible regarding condemnation of the vessel.	178
28	The Minister of State to the British ambassador (note verbale).	Nov. 3	Replies to above, saying proper orders for the release of the prisoner have been issued and that the Spanish Government is disposed to release the vessel provided the United States will express its intention to do likewise with vessels captured under identical conditions.	178
29	The French ambassador to the Minister of State.	Dec. 1	States that the French ambassador at Washington has presented the claim against the capture of the <i>Guido</i> .	179

CABLE SERVICE.

		1898.		
30	The Minister of State to the ex-minister of Spain at Washington.	Apr. 27	Asks his opinion as to means for remedying the lack of communication with the Antilles, if the cables are cut.	180
31	The ex-minister of Spain to the Minister of State (telegram).	Apr. 28	Replies to foregoing.....	180
32	The Spanish consul at Hongkong to the Minister of State (telegram).	May 3	Reports interruption of cable between Manila and Hongkong since previous evening.	180
33	The Minister of State to the Spanish consul at Hongkong (telegram).	.....do	Instructs him to communicate any well-founded news of interest.	180
34	The Spanish consul at Hongkong to the Minister of State (telegram).	May 5	Difficult to send out vessels, which fear the Americans and demand guaranty of value or damages.	181
35	The Minister of State to the Spanish consul at Hongkong (telegram).	.....do	Asks if he can establish communication with Manila via Bolinao, sending dispatches there by some foreign vessel.	181
36	The Spanish consul at Hongkong to the Minister of State (telegram).	May 18	Says he has asked governor-general of Philippines if the telegraph from Bolinao to Manila is open, and thinks it easier to communicate by way of Labuan-Singapore.	181

LIST OF PAPERS—Continued.

CABLE SERVICE—continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
37	The Spanish consul at Hongkong to the Minister of State (telegram).	May 27	Says he is not sending dispatches to the north of Luzon, the communications between Aparri and Manila being interrupted.	181
38	The Spanish consul at Singapore to the Minister of State (telegram).	May 29	Reports cutting of Manila-Capiz cable on 23d by Americans.	181
39	The Minister of State to the Spanish consul at Hongkong (telegram).	May 30	Asks if he can communicate with Philippines by using neutral vessel to conduct dispatches to Lingayen, Aparri, a port on coast of North Luzon.	182
40	The Minister of State to the Spanish consul at Singapore (telegram).	.....do	Asks if he can communicate with Philippines by using neutral vessel to carry dispatches to Tayabas, or Albay, or some port on south coast of Luzon.	182
41	The Spanish consul at Singapore to the Minister of State (telegram).	June 1	Answers foregoing, setting forth difficulties of the undertaking. Reports having found a captain of a vessel with whom perhaps it can be arranged.	182
42	Same to same.....	June 12	Reports inability to engage proposed vessel.....	183
43	The Minister of the Colonies to the Minister of State (telegram).	June 13	States, for communication to the governments signatory to the international telegraphic rules of Budapest, annexed to the convention of St. Petersburg, that the company having concession for the cable between Hongkong and Manila, in compliance with said convention, and on account of the cable having been cut and intercepted near Manila, reports suspension of transmission of messages.	183
44	The Minister of State to the Spanish consul-general at Berne.	June 17	Communicates preceding notice in order that the Swiss Government may advise the signatory governments.	183
45	The chargé d'affaires of the consulate-general in Switzerland to the Minister of State.	June 23	Acknowledges receipt of foregoing, and compliance with its instructions.	184
46	The British ambassador to the Minister of State.	July 4	Asks reestablishment of cable between Hongkong and Manila for meteorological purposes only.	185
47	The Minister of State to the Spanish consul at Kingston (telegram).	July 5	Directs him to adopt best means of service between Kingston and nearest point to Habana for transmission of Government telegrams.	185
48	The Minister of the Colonies to the Minister of State.	.....do	Inasmuch as telegrams from Cuba, Porto Rico, or Spain to Mexico, by way of Jamaica, are intercepted at the last stage by American cable companies between Panama and Colon, suggests that the matter be taken up with the representatives of Mexico, Colombia, and Central America at Madrid, to bring the abuse to an end.	185
49	The Minister of State to the Colombian minister.	.....do	Communicates foregoing and asks his good offices toward suggested end.	186
50	The Minister of State to the consul-general of the Greater Republic of Central America.	.....do .....	.....do	187
51	The Minister of State to the chargé d'affaires of Mexico.	.....do .....	.....do	187

LIST OF PAPERS—Continued.

CABLE SERVICE—continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
52	The Under Minister of State to the Spanish representatives in Colombia, Central America, and Mexico.	July 5	Reports the action taken as above.....	188
53	The Minister of State to the Spanish consul at Kingston (telegram).	July 6	Directs that, although telegraphic communication is now reestablished, he is to be ready for other means of communication in case of fresh interruption.	188
54	The Minister of State to the British ambassador.	.....do	Answers his note of 4th instant, asking reestablishment of cable communication between Manila and Hongkong exclusively for meteorological service, stating, in reply, that he is not opposed, on condition that the cable be deemed neutral and indifferently for use of all.	189
55	The Minister of State to the Minister of the Colonies.	.....do	Answers royal order of previous day, reporting action taken.	189
56	The Spanish consul at Kingston to the Minister of State (telegram).	July 7	States that in event of failure of the cable it will be almost impossible to establish communication between Jamaica and Cuba.	190
57	The Spanish consul at Kingston to the Minister of State (telegram).	July 8	Reports interruption of cable through withdrawal of employees.	190
58	The chargé d'affaires of Mexico to the Minister of State.	.....do	Answers note of 5th instant; states he has communicated it to his Government. Hopes that the matter will be settled satisfactorily.	190
59	The Minister of State to the Spanish ambassador at Paris.	.....do	Directs him to take up with the French cable company the matter of the suspension of service between Santiago de Cuba and Mole St. Nicholas (Haiti), so long as the American forces are in possession of the Spanish end of the line.	191
60	The consul-general of the Greater Republic of Central America to the Minister of State.	July 9	Answers note of 5th instant, stating he has transmitted contents to his Government.	192
61	The Minister of State to the chargé d'affaires of Mexico.	July 11	Acknowledges receipt of note of the 8th instant, and states in reply that the Spanish Government is not certain of the exact point of cable interruption.	192
62	The consul-general of the Greater Republic of Central America to the Minister of State.	July 14	Supplementing his note of the 9th instant, states his Government has telegraphed him that the suggestions of Spain will be heeded.	193
63	The Spanish consul at Kingston to the Minister of State (telegram).	July 19	States that the Americans have possession of the cable from Santiago de Cuba, stopping the service.	193
64	The Minister of State to the Spanish consul at Kingston (telegram).	July 30	Directs him by all possible means to forward Government telegrams to Cuba, availing of fishing or other vessels, and transmitting the messages in duplicate.	193
65	The Spanish ambassador at Paris to the Minister of State.	Aug. 12	In response to royal order of July 8, sends correspondence exchanged between the French cable company and the military attaché of the embassy.	194

LIST OF PAPERS—Continued.

CABLE SERVICE—continued.

No.	From and to whom.	Date.	Subject.	Page.
66	The French ambassador to the Minister of State.	1898. Aug. 19	Sends telegram from the French ambassador at Washington, acceding to the request regarding the reorganization of the cable service between Singapore and Manila.	196
67	The Minister of State to the French ambassador.	.....do.....	Acknowledges receipt of foregoing, which he has communicated to the Minister of the Colonies	197
68	The Minister of State to the Spanish consul at Hong-kong (telegram).	Aug. 20	Directs him to inform the "Eastern Extension Cable Company" that it is authorized by the Spanish Government to reopen communication between Hongkong, Manila, and Capiz.	197
69	The Minister of State to the French ambassador.	.....do.....	States he has sent foregoing telegram.....	197
70	The Minister of State to the Spanish consul at Hong-kong (telegram).	.....do.....	Referring to the telegram addressed to him on this date, says that the authorization given to the cable company is agreed to by the United States.	198
71	The Spanish consul at Hong-kong to the Minister of State (telegram).	Aug. 21	Reports renewal of cable communication between Manila and Hongkong.	198
72	The Spanish minister in Mexico to the Minister of State.	Aug. 20	Answering royal order of July 5, incloses copy of a note addressed by Department of Communication to the Department for Foreign Affairs, regarding the protest touching the interruption of cable service.	198

PRELIMINARY NEGOTIATIONS FOR PEACE AND THE PROTOCOL OF AUGUST 12, 1898.

73	The Minister of State to the Spanish ambassador at Paris (telegram).	1898. July 18	Directs him to ask the Minister for Foreign Affairs if the ambassador at Washington be authorized to present a message to the President of the Republic, and to negotiate suspension of hostilities as a preliminary to definite negotiations.	200
74	The Spanish ambassador at Paris to the Minister of State (telegram).	July 20	Answers foregoing royal order, stating he has seen Minister for Foreign Affairs, and, inasmuch as he can not give definite answer without previous authorization of the President of the Republic, who is absent from Paris, does not believe an answer can be had for two days.	201
75	The Minister of State to the Spanish ambassador at Paris (telegram).	.....do.....	Insists on attempt to get a reply at earliest possible moment.	201
76	The Spanish ambassador at Paris to the Minister of State (telegram).	July 21	Reports having obtained the desired permission..	202
77	The Minister of State to the Spanish ambassador at Paris (telegram).	July 22	Announces the early transmission of the message to the President of the United States.	202
78	The Minister of State to the Spanish ambassador at Paris (telegram).	.....do.....	Sends promised message with instructions for delivery to the French ambassador at Washington.	203
79	Same to same.....	.....do.....	Reports having verbally informed the ambassadors of the great powers at Madrid of the substance of the message.	203

LIST OF PAPERS—Continued.

PRELIMINARY NEGOTIATIONS FOR PEACE, ETC.—continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
80	The Spanish ambassador at Paris to the Minister of State (telegram).	July 24	States that the French ambassador at Washington can not decipher the telegram transmitting the message, because he has not the code..	204
81	The Minister of State to the Spanish ambassador at Paris (telegram).	.....do	Says he has cabled the Spanish consul at Montreal to immediately send to the French ambassador at Washington a copy of the code, while at the same time sending Señor León y Castillo the text of the message, to be translated into French, to be then forwarded to its destination by the Minister for Foreign Affairs.	204
82	The Minister of State to the Spanish consul-general at Montreal (telegram).	.....do	Instructs him to speedily send the code above referred to.	204
83	The Minister of State to the Spanish ambassador at Paris (telegram).	.....do	At the same time he writes this he is sending text of the telegram to the French ambassador at Washington.	205
84	The Spanish consul-general at Montreal to the Minister of State (telegram).	July 25	Reports having at once sent code No. 74 to the French ambassador at Washington.	205
85	The Spanish ambassador at Paris to the Minister of State (telegram).	.....do	Reports that the Minister for Foreign Affairs has transmitted the message of the Spanish Government to Washington. Some surprise was shown that McKinley already had knowledge of its contents through some of the governments having embassies at Madrid.	205
86	The Minister of State to the Spanish ambassador at Paris (telegram).	.....do	Answers above, explaining the circumstances....	205
87	The Minister of State to the Spanish ambassador at Paris (telegram).	July 27	Expresses surprise at landing of Americans at Porto Rico, since the President is considering the message of the Spanish Government.	206
88	The Spanish ambassador at Paris to the Minister of State (telegram).	.....do	Reports that the message was presented to the President the day before.	206
89	Same to same.....	.....do	Communicates details of Mr. Cambon's interview with the President.	207
90	The Minister of State to the Spanish ambassador at Paris (telegram).	July 28	Sends telegram to the French ambassador at Washington, thanking him, and giving him further instructions.	208
91	Same to same.....	.....do	Sends further instructions for French ambassador at Washington.	208
92	The Spanish ambassador at Paris to the Minister of State (telegram).	.....do	Transmits telegram from French ambassador at Washington, asking instructions.	210
93	The Minister of State to the Spanish representatives abroad (telegram).	.....do	Reports having initiated negotiations for peace..	210
94	The Spanish ambassador at Paris to the Minister of State (telegram).	July 30	States the Minister for Foreign Affairs has no news from Washington.	210
95	Same to same.....	July 31	The Minister for Foreign Affairs has informed him that at 1 o'clock he shall begin to receive copy of a dispatch from Washington which arrived at 8 that morning.	211
96	Same to same.....	.....do	Transmits telegram from the French ambassador at Washington, communicating the answer of the President to the message of Spain.	211

LIST OF PAPERS—Continued.

PRELIMINARY NEGOTIATIONS FOR PEACE, ETC.—continued.

No.	From and to whom.	Date.	Subject.	Page.
97	Same to same.....	1898. Aug. 1	Transmits a telegram from the French ambassador at Washington, reporting a conversation with the President of the Republic, after the reading of his reply to the message of Spain.	213
98	The Minister of State to the Spanish ambassador at Paris (telegram).	.....do	Incloses for transmission to the French ambassador at Washington a telegram replying to the two foregoing.	214
99	The Spanish ambassador at Paris to the Minister of State (telegram).	Aug. 4	Transmits telegram from the French ambassador at Washington, reporting another interview with the President, and the matters discussed.	216
100	Same to same.....	Aug. 5	Invites attention to the serious effect of immediate abandonment of Cuba and Porto Rico, before discussion of the treaty of peace, as the Americans demand.	217
101	The Minister of State to the Spanish ambassador at Paris (telegram).	Aug. 7	Referring to his telegram of the 4th instant, incloses for transmission through the French ambassador at Washington the reply of Spain to the Secretary of State's note, accepting in principle the conditions imposed by the United States for negotiating peace, with certain specified reservations.	218
102	The Spanish ambassador at Paris to the Minister of State (telegram).	Aug. 8	Reports having transmitted foregoing telegram...	219
103	The Under Minister of State to the Spanish representatives abroad.	Aug. 9	Incloses copy of the message addressed to the Government of the United States accepting the conditions of peace under the conditions indicated.	219
104	The Spanish ambassador at Paris to the Minister of State (telegram).	Aug. 11	Reports that the French ambassador has delivered to the President of the United States the telegraphic message of the 7th instant, and communicates the President's reply expressing his desire, in order to avoid mistakes, to draft a protocol in which American propositions are set forth.	219
105	Same to same.....	.....do	Transmits text of proposed protocol submitted by the Government of the United States.	220
106	Same to same.....	.....do	Forwards telegram from the French ambassador at Washington communicating substance of a note which the Secretary of State addressed to him in transmitting the protocol.	221
107	The Minister of State to the Spanish ambassador at Paris (telegram).	Aug. 12	Directs him to forward a telegram to the French ambassador at Washington, authorizing acceptance of the proposed protocol by the Spanish Government.	222
108	The Spanish ambassador at Paris to the Minister of State (telegram).	Aug. 13	Transmits telegram from the French ambassador at Washington reporting the signing of the protocol.	223
109	The French ambassador at Madrid to the Minister of State.	.....do	Also communicates foregoing telegram.....	224
110	The Minister of State to the French ambassador.	.....do	Acknowledges receipt of foregoing and transmits the thanks of the Spanish Government to the President and Government of France and to the French ambassador at Washington for the invaluable services lent to Spain and the cause of peace.	225

LIST OF PAPERS—Continued.

PRELIMINARY NEGOTIATIONS FOR PEACE, ETC.—continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
111	The Under Minister of State to the Spanish representatives abroad.	Aug. 13	Sends copy of the protocol signed the previous evening at Washington.	226
112	The Minister of State to the Spanish representatives abroad (telegram).	Aug. 14	Reports the signing of the protocol, copies of which have been sent by mail.	226
113	The chargé d'affaires of France at Madrid to the Minister of State.	Sept. 1	Transmits (in English and French text) response of the United States to the message of the Spanish Government of July 22; the English text of the Spanish note of August 7; the French translation of Mr. Day's reply of August 10; and the French and English text of the protocol.	226

INTERPRETATION AND FULFILLMENT OF THE PROTOCOL OF AUGUST 12, 1898.

		1898.		
114	The French ambassador at Madrid to the Minister of State.	Aug. 15	States that according to a report from the French ambassador at Washington the Federal Government has ordered the lifting of the blockade from the Antilles and Philippines and authorized the transmission of telegrams, although with certain restrictions as to telegrams from private individuals.	228
115	The Minister of State to the French ambassador.	.....do.....	Acknowledges foregoing.....	228
116	The French ambassador to the Minister of State.	Aug. 17	Communicates the names of American commissioners who have charge of evacuation arrangements in the Antilles.	229
117	The Minister of State to the French ambassador.	Aug. 20	Communicates the names of the Spanish commissioners for evacuation arrangements.	229
118	The French ambassador to the Minister of State.	Aug. 22	Reports that Federal Government will permit the resumption of postal service with the Antilles and Philippines, and shipment of provisions under the Spanish flag, though with certain restrictions regarding Porto Rico; but on the condition that during present suspension of hostilities access to Spanish ports is not prohibited to American vessels, which shall enjoy, in case of renewal of hostilities, the immunities conceded to Spanish vessels by Articles IV and V of the President's proclamation of April 26, 1898.	230
119	The Minister of State to the French ambassador.	Aug. 23	Acknowledges receipt of foregoing note, the provisions of which will be conformed with on the understanding that the immunities granted to the American vessels, in case of renewal of hostilities, will be reciprocal on the part of the two countries.	230
120	The French chargé d'affaires to the Minister of State.	Aug. 26	Transmits telegram from the French ambassador at Washington announcing the early departure for Habana of the members of the American evacuation commission; and requests removal of any mines in that port.	231
121	The Minister of State to the French chargé d'affaires.	.....do.....	Announces that orders have been issued to expedite removal of mines. Requests the Federal Government to send to Cavite the families of the officials from the Marianas.	231

LIST OF PAPERS—Continued.

INTERPRETATION AND FULFILLMENT OF THE PROTOCOL, ETC.—continued.

No.	From and to whom.	Date.	Subject.	Page.
122	Instructions to the Spanish commissioners of evacuation in Cuba and Porto Rico.	1898. Aug. 28	Document issued by the President of the Council for this purpose.	232
123	The Under Minister of State to the Ministers of Navy and Treasury.	Sept. 2	Announces that, according to agreement with United States, the vessels of each nation will be admitted to the ports of the other during present cessation of hostilities.	237
124	The Minister of State to the French chargé d'affaires at Madrid.	Sept. 7	Asks that there be communicated to the Federal Government: (1) That the capitulation of Manila must be considered due to the provisions of the protocol and not to the capitulation; (2) that the occupation of that place does not empower a change in the Spanish laws; (3) that the garrison of Manila must be considered free; (4) that the existing Spanish laws shall remain in force without change in Manila until the treaty of peace shall decide the régime, disposition, and future government of the islands; (5) that the liberation of Spanish prisoners should be demanded from the Tagalos; (6) that insurgents should not be permitted to use their flag on vessels; and (7) that the families of officials from the Marianas now held prisoners should be repatriated or sent to Manila.	237
125	The French chargé d'affaires to the Minister of State.	Sept. 9	Reports having transmitted foregoing note to the French Minister for Foreign Affairs for the purposes set forth.	242
126	Telegram from the French ambassador at Washington, delivered by the French chargé d'affaires at Madrid.	.....do.....	Answers the verbal statements made to the French representative at this capital, referring to insurgent vessels and other matters, saying the Federal Government refuses to put at liberty the garrison at Manila, and that Spain send reinforcements to Philippines; that it will try to influence insurgents to abstain from annoying the Spanish troops during the suspension of hostilities; and that, according to reports from Admiral Dewey, the families of the officers of the garrison at Marianas have not been deprived of resources, as was reported.	243
127	The Minister of State to the French chargé d'affaires at Madrid.	.....do.....	Announces that Vice-Admiral Vicente de Manteola is appointed on the Cuban evacuation commission in place of Señor Don Luis Postor y Landero.	244
128	Telegram from the French ambassador at Washington (delivered through Madrid embassy).	Sept. 18	Reports that the Spanish-American evacuation commission of Porto Rico finding its labors about to close, the American Government desires the Spanish commissioners to be given instructions for the withdrawal of troops, and that the necessary transports be sent forthwith.	244
129	Same to same.....	Sept. 22	Sends reply of the Government of the United States to the Spanish note of September 7, declining to accede to the propositions.	245

LIST OF PAPERS—Continued.

INTERPRETATION AND FULFILLMENT OF THE PROTOCOL, ETC.—continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
130	The Minister of State to the French chargé d'affaires at Madrid.	Sept. 28	Acknowledges receipt of foregoing, and requests that, through the French ambassador at Washington, renewed insistence be made touching the Spanish propositions of the 7th instant, and that the desire of the Spanish Government be made known that American vessels shall not be sent to Manila during suspension of hostilities.	246
131	The French chargé d'affaires to the Minister of State.	Sept. 30	Acknowledges receipt of foregoing, contents of which have been transmitted to Washington.	250
132	Telegram from the French ambassador at Washington, delivered through the French chargé at Madrid.	.....do.....	Reports that Admiral Dewey has seized an American vessel at Batangas, sailing from Macao, with contraband of war on board for the insurgents. Says two delegates from Aguinaldo have reached Washington who claim admission at the conference at Paris or a hearing before it.	250
133	The Governor-General of Cuba to the Minister of the Colonies (telegram).	Oct. 7	Announces that the American commission of evacuation has received definite instructions from their Government that the abandonment of sovereignty over Cuba must precede negotiations for a treaty of peace; that this evacuation must be immediate, withdrawing from the island not only the military authorities of Spain, but also the civil, and that their embarkation must terminate by the 1st of December.	250
134	The Minister of State to the French chargé d'affaires at Madrid.	Oct. 8	Communicates foregoing and requests protest, on part of Spain, against immediate abandonment of sovereignty, and requests extension of period of embarkation.	251
135	Telegram from the French ambassador at Washington, delivered through the French chargé at Madrid.	Oct. 14	Announces that delegates from Aguinaldo were received merely as foreigners, and that they then left for Paris, but without receiving any commission from the Government.	253
136	Telegram from the French chargé d'affaires at Washington to the Minister of State, delivered through the French chargé at Madrid.	Oct. 10	Communicates desire of American Government that Spain send at least four transports to Porto Rico to expedite evacuation of the island.	253
137	Same to same.....	Oct. 15	Reports reply of Secretary of State to the propositions set forth in the note of the 8th instant, regarding immediate abandonment of sovereignty by Spain.	254
138	The Minister of State to the French ambassador at Madrid.	Oct. 28	Supplements note of 8th instant; brings up anew the request for extension of the period for the evacuation of Cuba.	254
139	The French ambassador to the Minister of State.	Nov. 3	Communicates reply of the American Government to the notes of September 28 and October 8, in which an extension to the 1st of January is granted for the evacuation of Cuba.	255
140	Same to same.....	Nov. 13	States that the Government of the United States does not grant the Spanish demand for further extension of the period for the evacuation of Cuba.	256
141	The Minister of State to the French ambassador.	Nov. 15	Acknowledges receipt of the foregoing.....	257

LIST OF PAPERS—Continued.

INTERPRETATION AND FULFILLMENT OF THE PROTOCOL, ETC.—continued.

No.	From and to whom.	Date.	Subject.	Page.
142	The French ambassador to the Minister of State.	1898. Nov. 24	Supplementing the notes of the 3d and 13th instant, sends copies of two notes from the Department of State relative to the interpretation of the protocol and return of the army from Cuba.	257
143	The Minister of State to the French ambassador.	Nov. 28	Announces appointment of Lieut. Gen. Jiménez Castillanos, president of the evacuation commission of Cuba, in place of general of division, Julian Gonzales Parrado.	258
144	The French ambassador to the Minister of State.	Nov. 29	Reports forwarding foregoing to Washington.....	258

APPENDIX.

CAPTURE OF VESSELS.

145	The French ambassador to the Minister of State.	1898. Dec. 23	Incloses copy of note addressed to the chargé of France in Washington by the Secretary of State, replying to the note regarding the capture of the <i>Guido</i> .	259
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CABLE SERVICE.

146	The Spanish Minister at Santa Fé de Bogotá to the Minister of State.	1898. Oct. 28	Replies to royal order of July 5 concerning the interception of telegrams from Porto Rico, Cuba, and Spain to the Spanish minister in Mexico.	260
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PART III.

The conference at Paris and the treaty of peace.

Subject.	No. of document.	Pages.
The organization of the Peace Conference.....	1 to 6	267 to 269
The conferences at Paris.....	7 to 133	269 to 364
The treaty of peace.....	134	364
Résumé of the work of the conferences.....	135	365

LIST OF PAPERS.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
1	The French chargé d'affaires to the Minister of State.	Sept. 11	Offers one of the rooms of the French Department for Foreign Affairs to the Spanish-American Commission for its meetings.	267
2	The Minister of State to the French chargé d'affaires.	Sept. 13	Acknowledges receipt of foregoing, with thanks.	267
3	The French chargé d'affaires to the Minister of State.	Sept. 14	Communicates names of American Peace Commissioners.	267
4	The Minister of State to the French chargé d'affaires.	Sept. 17	Incloses copy of decree naming Spanish Peace Commissioners.	268
5	The French chargé d'affaires to the Minister of State.	Sept. 19	Acknowledges foregoing and has communicated it to the Minister for Foreign Affairs.	269
6	The President of the Council of Ministers to the Minister of State.	Sept. 22	Incloses decreenaming Señor Eugenio Montero Ríos president of the Spanish Peace Commission.	269
7	The Minister of State to the captain-general <i>ad interim</i> of the Philippines (telegram).	Sept. 24	Directs him to ascertain if Spanish prisoners taken by the Americans have been turned over to the insurgents.	269
8	The Minister of State to the Spanish ambassador at Paris.	Sept. 26	Transmits copy of decree appointing Señor Emilio de Ojeda (Spanish minister at Tangier) the secretary of the Spanish Commission.	270
9	The Minister of State to the president of the Spanish Peace Commission (telegram).	Sept. 29	Directs him to bring up, as a previous question for discussion by the Commission, the status of the Spanish Government in the Philippines on account of the attitude of the Federal Government regarding the sending of Spanish forces against the Filipinos.	270
10	Same to same.....	Sept. 30	Transmits reply of General Jáudenes to the instructions touching the manner in which Americans are treating Spanish prisoners, delivering them to the insurgents.	272
11	The president of the Spanish Peace Commission to the Minister of State (telegram).	.....do.....	Discusses certain points regarding the telegram of the evening before, and asks further explanation.	272
12	The Minister of State to the president of the Spanish Peace Commission (telegram).	Oct. 1	Replying to foregoing, sends explanations desired.	273

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
13	The president of the Spanish Peace Commission to the Minister of State (telegram).	Oct. 1	States having communicated to the Commission, in writing, at the first conference, the desire to consider as a previous question the status of Spain in the Philippines.	274
14	The president of the Spanish Peace Commission to the Minister of State (telegram).	Oct. 3	Reports meeting of second conference and written reply of Americans declining to take up this subject as a previous question.	275
15	The Spanish ambassador at Paris to the Minister of State (telegram).	Oct. 4	Reports having presented the Spanish Commissioners to the President of the Republic.	275
16	The president of the Spanish Peace Commission to the Minister of State.	Oct. 2	Incloses copy of the motion submitted to the American Commissioners. First protocol.	275
17	The Minister of State to the president of the Spanish Peace Commission.	Oct. 4	Explains the purpose of the Spanish Government in submitting to the Commission the above "previous question;" incloses two telegrams from Iloilo recounting the last military operations against the insurgents; and one from Manila.	278
18	The president of the Spanish Peace Commission to the Minister of State (telegram).	Oct. 5	States it is indispensable to set forth in treaty in favor of whom Spain will renounce sovereignty; asks instructions on this point.	281
19	The Minister of State to the president of the Spanish Peace Commission (telegram).	Oct. 6	Communicates a telegram from the governor-general of the Visayas, reporting the last engagements with the insurgents.	282
20	Same to same.....	.....do.....	Answers telegram of previous day, approving its contents, and states that it is indispensable that the United States shall accept renunciation of sovereignty in their favor, determining the mutual rights and obligations of such renunciation and the rights acquired by Spain.	282
21	The president of the Spanish Peace Commission to the Minister of State.	Oct. 4	Incloses copy of the reply, made at the second meeting, by the Americans declaring their incompetency to take up the "previous question" of determining the <i>statu quo</i> in the Philippines. Protocol of second conference.	283
22	Same to same (telegram).....	Oct. 7	Announces holding of third conference.....	285
23	Same to same.....	.....do.....	Incloses copy of memorandum and counter draft of treaty presented by the Spanish Commission regarding the renunciation of sovereignty by Spain in the Antilles. Protocol of third conference.	285
24	Same to same.....	Oct. 11	Reports holding of fourth conference, in which Spanish Commissioners presented fresh memorandum, their counter draft having been rejected.	286
25	Same to same.....	Oct. 12	Sends copy of memorandum above referred to. Protocol of fourth conference.	286
26	Same to same.....	Oct. 14	Reports holding of fifth conference.....	288
27	The Minister of State to the president of the Spanish Peace Commission (telegram).	Oct. 16	Directs him to ascertain if the report of the sending of vessels and men to the Philippines is true; and that he intimate to the American Commissioners the suggestion, heretofore made, regarding Spanish prisoners in the hands of insurgents.	288
28	Same to same.....	.....do.....	Approves the conduct of the Spanish Commissioners in the pending negotiations.	289

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page
		1898.		
29	The president of the Spanish Peace Commission to the Minister of State.	Oct. 15	Reports that in the fifth conference the American Commissioners continue their refusal, in the name of the United States, to accept sovereignty over the island of Cuba. Protocol of fifth conference and American memorandum replying to Señor Montero Ríos's memorandum of October 12.	290
30	Same to same.....	Oct. 17	Reports meeting of sixth conference, in which the American Commission withdrew their draft, submitting another even less admissible. Reports having called attention to the announcement of the sending of more troops to Manila and the ill treatment of prisoners by the Tagalos.	291
31	Same to same.....	Oct. 18	Incloses American memorandum proposing to substitute for the articles already submitted the precise stipulations of Articles I and II of the protocol. Protocol of the sixth conference.	292
32	Same to same.....	Oct. 19	Reports adjournment of the conference, which should have met on that date.	292
33	Same to same.....	Oct. 21	Reports meeting of seventh conference, and the presentation by the Spanish Commission of a counter-draft article, with accompanying memorandum, giving reasons for not accepting last American draft.	292
34	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	States in event of Americans persisting, it would be proper, as a last resort, to invoke the protest of Spain against the extremity imposed and to suggest arbitration of the matter of the Cuban debt. Confidential letter from Duke Almodóvar del Río to Señor Montero Ríos, to which this telegram relates.	293
35	The president of the Spanish Peace Commission to the Minister of State.	Oct. 22	Acknowledges receipt of royal order of the 16th October, approving his course. Incloses copy of Spanish counter draft and memorandum submitted at seventh conference. Protocol of the same.	295
36	Same to same (telegram).....	Oct. 24	Reports meeting of eighth conference, and that, the Americans remaining firm, an immediate rupture is threatened.	296
37	Same to same.....	Oct. 25	States that Mr. Day declared in eighth conference that the United States can not accept the counter-draft articles submitted at the last conference by the Spanish Commissioners because the payment of the Cuban debt is stipulated. Being asked if the Spanish Commission would decline to consider any articles as to Cuba and Porto Rico which contained no provision for the assumption of indebtedness by the United States or Cuba, or both, President Montero Ríos evaded an answer, not knowing his Government's intentions regarding the Philippines; therefore he desired to subordinate the question of the debt to the Philippine question. Protocol of the eighth conference.	297
38	The Spanish ambassador at Paris to the Minister of State (telegram).	.....do.....	Reports interview with the American ambassador for the purpose of facilitating the negotiations.	299

LIST OF PAPERS—Continued.

No.	From and to whom.		Subject.	Page.
		1898.		
39	The Minister of State to the president of the Spanish Peace Commission (telegram).	Oct. 26	Incloses telegram from the captain-general of the Philippines to the Minister of War, reporting the revolt of a Mindanao native company.	300
40	The Spanish ambassador at Paris to the Minister of State (telegram).	.....do.....	Reports another interview with the American ambassador and the American Commissioner, Mr. Reid; both maintain impossibility of accord on the question of Cuban debt.	300
41	The Minister of State to the Spanish ambassador at Paris (telegram).	.....do.....	Acknowledges foregoing telegram, and asks further explanation.	300
42	The president of the Spanish Peace Commission to the Minister of State (telegram).	.....do.....	Reports meeting of ninth conference, in which Spanish Commission replies to the question raised by the Americans at the last session.	301
43	The Spanish ambassador at Paris to the Minister of State (telegram).	Oct. 27	Sends the explanations requested concerning his telegram of October 26.	301
44	The president of the Spanish Peace Commission to the Minister of State.	.....do.....	Reports the incidents of the ninth conference. Incloses copy of the Spanish memorandum supporting the articles they submitted on October 21, which were refused by the Americans on the 24th. Protocol of the ninth conference.	302
45	Same to same.....	.....do.....	Reports meeting of tenth conference, in which American Commissioners consented that the approval of articles omitting the colonial debt should be conditional, the Spanish Commissioners reserving the right to discuss the debt any time during the treaty discussion.	304
46	Same to same.....	Oct. 28	Supplements foregoing telegram and incloses memorandum presented by the American Commissioners replying to the Spanish memorandum of the 21st. Protocol of the tenth conference.	305
47	Same to same.....	Oct. 31	Requests delay in returning to Spain the general archives of Cuba, lest such action be interpreted to Spain's disadvantage.	307
48	Same to same.....	.....do.....	Reports meeting of eleventh conference, in which American Commission has asked cession of the entire Philippine Archipelago.	307
49	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Requests him to send telegraphic extract of American propositions regarding Philippines. Says French ambassador has delivered, through the president of the Council of Ministers, a statement of the holders of the Cuban debt, urging consideration of their rights conformably to the guaranties under said debt.	308
50	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 1	Answers foregoing; sending text of American proposition.	308
51	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Asks the degrees of latitude and longitude within which the Americans place the territory claimed.	309
52	The president of the Spanish Peace Commission to the Minister of State (telegram).	.....do.....	Sends the data asked in foregoing telegram.....	309

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
53	The Minister of State to the president of the Spanish Peace Commission (telegram).	Nov. 2	Acknowledges receipt of above data; says demands of Americans exceed the limit which might have been expected.	309
54	The president of the Spanish Peace Commission to the Minister of State.	Nov. 1	Expresses his surprise at receiving American proposition for Spain to cede all the Philippines, and asks instructions. Protocol of eleventh conference.	310
55	Same to same (telegram).....	Nov. 2	Requests copy of the boundary treaty with Japan of 1895.	311
56	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Announces sending of document requested.....	311
57	The Spanish ambassador at Paris to the Minister of State (telegram).	.....do.....	Says American ambassador has declared that the American delegates have received final instructions to demand the cession of the Philippines, agreeing, in principle, to give some compensation to Spain.	311
58	The Minister of State to the president of the Spanish Peace Commission (telegram).	Nov. 3	Sends the instructions desired, saying it is not advisable to renounce sovereignty over the Philippines, but if the Americans insist upon their contention the proposition may be made that Spain will lease the islands to exploiting companies. If this is not availing, the Spanish Commissioners should ask a recess from the conferences in order to advise with His Majesty's Government concerning the matter.	311
59	The Minister of State to the Spanish ambassador at Paris (telegram).	.....do.....	Reports having addressed foregoing telegram to the Spanish Commission.	312
60	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 4	Reports meeting of twelfth conference, in which the Spanish Commissioner presented a counter proposition opposing the American position, and inviting it to submit another proposition on the subject.	313
61	Same to same.....	Nov. 5	Incloses the counter proposition referred to, besides setting forth Spain's right to demand of the United States the release of the garrison at Manila and return of the public property and funds which the Americans shall hold when the treaty of peace is signed, and the obligation of the United States to indemnify Spain for the damage she has suffered on this account. Protocol of the twelfth conference.	313
62	The Minister of State to the president of the Spanish Peace Commission (telegram).	Nov. 7	States that the Council of Ministers has decided to defer any decision until informed of the American reply to the last proposition presented by the Spanish Commissioners.	316
63	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 8	Acknowledges receipt of foregoing, and states that the session which was to have met on this date has been postponed.	317
64	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Transmits telegram from the captain-general of the Visayas to the Minister of War, reporting events.	317

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
65	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 9	Reports meeting of thirteenth conference, in which Americans refused the Spanish counter proposition and insisted on the cession of the entire archipelago.	318
66	Same to same (telegram).....	Nov. 10	Asks copies of all the notes exchanged with the United States since August 12.	318
67	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do	States above documents have been sent.....	318
68	Same to same.....	.....do	Directs him to ask the arbitration as to interpretation of the third clause of the protocol, and, if not accepted, to ask postponement of the conference in order to receive instructions from his Government.	319
69	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 11	Acknowledges receipt of above telegram announcing forwarding of requested documents, and requests certain others. Expresses fear of rupture at next session in closing Philippine discussion, and urgently asks instructions.	319
70	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do	Answers foregoing by sending instructions.....	320
71	The president of the Spanish Peace Commission to the Minister of State.	Nov. 10	Reports details of meeting of thirteenth conference, and incloses copy of American memorandum in reply to the Spanish proposition of November 4 respecting the demand for the cession of the Philippine Islands. Protocol of thirteenth conference.	321
72	The Minister of State to the president of the Spanish Peace Commission (telegram).	Nov. 12	Acknowledges receipt of foregoing and refers to present opportunity for proposing arbitration. If not accepted, can ask suspension of conferences until instructions are received.	322
73	The Minister of State to the president of the Spanish Peace Commission.	Nov. 12	Answers telegram regarding sending of documents.	323
74	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 16	Reports meeting of fourteenth conference, in which Spanish Commissioners submitted, in one paper, a reply to the American memorandum and memorandum sustaining propositions contested by the Americans; and proposing, finally, arbitration to interpret Articles III and IV of the protocol.	323
75	Same to same.....	Nov. 17	Amplifies foregoing and incloses copy of the memorandum mentioned. Protocol of fourteenth conference.	324
76	Same to same.....	Nov. 19	Reports postponement of conference which was to have been held that day.	325
77	Same to same.....	Nov. 21	Reports meeting of fifteenth conference, in which American Commissioners presented memorandum fixing until the 28th of the month for the Spanish Commissioners to accept their proposals.	325
78	The Spanish ambassador at Paris to the Minister of State (telegram).	Nov. 22	Says Mr. Whitelaw Reid has informed him that last American memorandum has character of ultimatum.	326
79	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do	Acknowledges receipt of last telegram. Says Council of Ministers is to meet, after which the resolutions decided upon will be telegraphed.	327

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
80	The Minister of State to the Spanish ambassador at Paris (telegram).	Nov. 22	Acknowledges receipt of his telegram of previous day. Says that the Cabinet will immediately confer, with view of adopting final decision, which they have postponed in vain hope of situation bettering.	327
81	The president of the Spanish Peace Commission to the Minister of State (telegram).	.....do.....	Says American Commission has refused to accept arbitration.	328
82	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	States that, the Council of Ministers having met, the Government thinks the sessions should be postponed until the documents which are awaited can be read and a decision reached.	328
83	The president of the Spanish Peace Commission to the Minister of State.	Nov. 21	Same as above telegram, with more details regarding meeting of fifteenth conference. Incloses American memorandum offering \$20,000,000 for cession of Philippine Archipelago; permitting Spanish vessels to enter the ports for certain number of years on same terms as American vessels; mutually canceling claims of every kind from beginning of last Cuban insurrection; an answer to be given by the Spanish Commissioners before the 28th of the month. If accepted, the Commission can then proceed to adjust other matters which should form part of the treaty of peace. Protocol of fifteenth conference.	328
84	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 23	States next conference will not be held until definite instructions are received.	329
85	Same to same.....	.....do.....	States he has addressed a letter to Mr. Day asking elucidation of certain doubtful paragraphs of the American proposition, to which he has received reply. Transmits both communications.	330
86	Same to same.....	Nov. 24	Expresses intention, if authorized, to make certain definite propositions to the American Commission as means of adjustment.	331
87	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Answers foregoing telegram, saying that instructions will be sent at the conclusion of the conference of the Council of Ministers now being held.	331
88	Same to same.....	.....do.....	States, with a view to suggesting the propositions mentioned in his telegram of even date, it would be well to sound the American Commissioners to ascertain if they would modify, favorably to Spain, the conditions of their ultimatum. Adds that definite instructions will be sent following day.	332
89	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 25	Reports having sent to the president of American Peace Commission, as means of adjustment, the propositions referred to in his telegram of 24th instant; adds that he lacks means of sounding their views.	332

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
90	The Minister of State to the president of the Spanish Peace Commission (telegram).	1898. Nov. 25	Expresses the desire of the Government that protest be formulated against the violence of the Americans, but charges the Spanish Peace Commission that, heeding the dictates of prudence, it would be useless to prolong the resistance and endanger a rupture of negotiations. Concludes by directing that the additional propositions mentioned in the last memorandum are not acceptable, and there is no haste necessary in answering them.	333
91	The president of the Spanish Peace Commission to the Minister of State (telegram).	.....do.....	Acknowledges receipt of foregoing, and urges that the instructions sent be kept secret.	334
92	Same to same (telegram).....	Nov. 26	Asks instructions in case Americans accede to some of his propositions, and asks if he must accept the \$20,000,000 in case they remain inflexible in their demands.	334
93	Same to same (telegram).....	.....do.....	Reports that the president of the American Commission has declared that the Government of the United States maintains its last proposal without any modification whatever.	335
94	Same to same.....	.....do.....	Incloses copy of Mr. Day's letter above referred to.	335
95	The Minister of State to the president of the Spanish Peace Commission (telegram).	Nov. 27	States that none of the conclusions in the last American proposition are admitted, but that no other remedy is seen but submission to greater force, and instructs to accept it as a whole.	336
96	The president of the Spanish Peace Commission to the Minister of State (telegram).	.....do.....	Acknowledges receipt of foregoing, and asks instructions touching cession of island of Kusaie; cable landing in Spanish territory; renewal of treaties; and religious liberty in Carolinas—points which, according to last proposition, the Americans desire incorporated in the treaty of peace.	336
97	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Replying to last telegram, says additional propositions of the Americans are inadmissible; that the Spanish reply need not refer to them; that, if an answer is necessary, it must be negative. The present negotiations must not exceed the limit imposed by force.	337
98	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 28	Acknowledges receipt of foregoing, and asks some explanations.	338
99	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Promises a reply in half an hour.....	338
100	Same to same.....	.....do.....	States that the treaty of peace must be limited to the absolute demands, <i>sine qua non</i> , of the Americans, Spain refusing everything left to her volition.	338
101	The president of the Spanish Peace Commission to the Minister of State (telegram).	.....do.....	Reports meeting of sixteenth conference, in which the Spanish Commissioners presented the protest agreed upon, concluding by accepting the American propositions, lacking the power to resist them by force,	339

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
102	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 28	Further details of above conference. Protocol of sixteenth conference.	339
103	Same to same.....	Nov. 29	Acknowledges telegram of the previous evening from the Minister of State. Will be guided by its contents. Asks if he shall accept the transportation to Spain, at expense of United States, of the garrison at Manila. Requests copy of the instructions given the Cuban and Porto Rican evacuation commission.	341
104	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Gives further details concerning his telegram of the 28th.	341
105	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 30	Acknowledges above telegram. Asks explanation concerning one passage. Requests that certain documents be sent to him. Asks advice concerning American demand that the military forces and authorities shall be charged with the preservation of order and life in the Philippines until ratification of treaty.	342
106	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Answers telegram of previous day, saying there is no objection to returning the prisoners from Manila at the cost of the United States if the American Commission proposes it. Says the Spanish Commission was supplied with documents requested when it started for Paris.	343
107	The president of the Spanish Peace Commission to the Minister of State (telegram).	Nov. 30	Reports that the documents referred to have been found, but there are some points of explanation needed, and he asks the data.	344
108	Same to same.....	.....do.....	Reports meeting of seventeenth conference, in which the first eight articles of the treaty were approved. Protocol of seventeenth conference. Text of first eight articles of treaty.	344
109	The Minister of State to the president of the Spanish Peace Commission (telegram).	Dec. 1	Says he will answer his telegram of 30th as soon as Council of Ministers meets.	345
110	Same to same.....	.....do.....	Sends promised answer, stating that the policy of the Government regarding cession of colonial territories is not to separate its possessions; regarding cable landings, not to limit their rights of concession; regarding renewal of treaties, to negotiate anew those that may be needed; regarding religious liberty in the Carolinas, to respect the status preceding the war; and regarding claim of the Americans to preserve order in the Philippines prior to ratification, to concede it only if the Spanish prisoners in the hands of the Americans and insurgents are previously delivered.	345
111	The president of the Spanish Peace Commission to the Minister of State (telegram).	.....do.....	Reports postponement of conference.....	346
112	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do.....	Incloses some historical data regarding American missions in Carolinas.	346

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
113	The Minister of State to the president of the Spanish Peace Commission (telegram).	Dec. 1	Reports sending by mail copy of acts of evacuating commissions of Porto Rico, and a telegram from the Governor-General of Cuba in the matter.	347
114	The president of the Spanish Peace Commission to the Minister of State (telegram).	Dec. 2	Replies to telegram of 1st instant, stating, among other things, the convenience of having Spanish and American authorities in the Philippines decide by common agreement which of them shall be charged with the protection of lives and property until ratification of the treaty.	348
115	Same to same.....	.....do	Reports meeting of eighteenth conference, in which the Spanish Commission opposed the discussion of accessory propositions until the main points of the treaty are decided.	349
116	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do	States that it is not possible to discuss matters foreign to the protocol until all the points under it are settled.	350
117	The president of the Spanish Peace Commission to the Minister of State.	.....do	Confirms telegram of this date relative to meeting of eighteenth conference. Protocol of eighteenth conference.	350
118	Same to same.....	Dec. 3	Expresses belief that the Americans aspire to the possession of the Philippines prior to ratification of the treaty.	351
119	The Minister of State to the president of the Spanish Peace Commission (telegram).	.....do	States that if the Americans make the commercial concessions dependent on the acceptance of the accessory propositions he should be immediately informed, in order that the Council may give appropriate instructions.	352
120	The president of the Spanish Peace Commission to the Minister of State (telegram).	.....do	Reports postponement of conference.....	352
121	The Minister of State to the president of the Spanish Peace Commission (telegram).	Dec. 4	Expresses hope of early adjustment of treaty; accessory matters not being denied subsequent consideration.	353
122	The president of the Spanish Peace Commission to the Minister of State (telegram).	Dec. 5	Reports meeting of nineteenth conference, in which first eight articles of the treaty were finally approved.	354
123	Same to same.....	Dec. 6	Incloses copy of nineteenth protocol.....	355
124	Same to same.....	.....do	Enumerates the eight articles already approved; says the other articles of the Spanish draft are under discussion; asks instruction concerning additional demands of the Americans.	355
125	The Minister of State to the president of the Spanish Peace Commission (telegram).	Dec. 7	Replies to above telegram, saying Council of Ministers has been called to consider the matter.	357
126	Same to same.....	.....	States that, as the United States does not wish to contract obligations beyond the period of their occupation of Cuba, it should give Spain a guaranty that an independent Government in Cuba will respect the rights acquired by this treaty. Directs him again to propose an investigation touching the cause of the explosion on the <i>Maine</i> .	357

LIST OF PAPERS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1898.		
127	The president of the Spanish Peace Commission to the Minister of State.	Dec. 7	Supplements his telegram of previous day, regarding fresh demands of the Americans. Protocol of twentieth conference.	358
128	Same to same.....	Dec. 8	Says that, in twenty-first conference, the Americans refused to have inquiry concerning explosion on the <i>Maine</i> . Consented to insert an article providing that, at the end of military occupation in Cuba, the United States "would counsel" the Cuban Government to observe the provisions of the treaty. The Spanish Commissioners declared that any consideration of accessory matters should be separate from the treaty, the subjects being foreign to it.	359
129	Same to same.....	Dec. 9	Supplements foregoing telegram. Protocol of twenty-first conference and memorandum protest of the Spanish Commissioners.	360
130	Same to same.....	Dec. 10	Reports signature of the treaty, the American Commission having previously submitted a memorandum in reply to the Spanish memorandum protest.	361
131	The Minister of State to the president of the Spanish Peace Commission (telegram).	Dec. 11	Acknowledges receipt of foregoing. Congratulates Commission in his name and that of the Government for the ability and earnestness shown in defending the rights of Spain.	362
132	The president of the Spanish Peace Commission to the Minister of State (telegram).	Dec. 12	Expresses grateful acknowledgment, in name of Commission, for the congratulatory message.	362
133	Same to same.....	Dec. 11	Confirms telegram of previous day reporting signature of treaty. Protocol of twenty-second conference and American memorandum.	363
134	Treaty of peace between Spain and the United States.	Dec. 10	Text.....	364
135	The President of the Spanish Peace Commission to the Minister of State.	Dec. 11	Incloses protocols of all the conferences, and makes extended observations on the subject.	365

PART IV.

Negotiations for a treaty of cession to the United States of the islands of Sibutu and Cagayan de Joló.

Subject.	No. of document.	Pages.
Negotiation for the cession as above.....	7 to 26	375 to 398

LIST OF PAPERS.

No.	From and to whom.	Date.	Subject.	Page.
		1900.		
1	The Minister of State to the Spanish minister at Washington.	Jan. 15	Directs him to claim in name of Spain sovereignty over the islands of Sibutu and Cagayan de Joló occupied by the Americans.	375
2	Same to same.....	Jan. 16	Same as above.....	376
3	The Spanish minister at Washington to the Minister of State.	Feb. 6	Reports having presented a note in accordance with above instructions.	376
4	Same to same.....	Feb. 14	Reports that the Government has ordered occupied all the islands the possession of which might be doubtful under the demarcation of the treaty.	378
5	The Minister of State to the Spanish minister (telegram).	Feb. 26	Asks if the press report is true that the United States has recognized Spain's rights.	379
6	The Spanish minister to the Minister of State (telegram).	Feb. 27	Replies that rumor is not correct.....	379
7	Same to same.....	Feb. 28	Supplements foregoing telegram.....	379
8	Same to same (telegram)....	Apr. 9	Announces that the Government of the United States declines to return the two islands to Spain.	381
9	Same to same.....	Apr. 11	Supplementing his telegram, he incloses copy of note from the Secretary of State and of his acknowledgment.	381
10	Same to same.....	Apr. 19	Sends copy of a note dated 16th instant, which the Secretary of State has addressed to him, making observations upon the minister's previous communication.	385
11	The Minister of State to the Spanish minister at Washington.	May 12	Approves minister's course; authorizes him to negotiate for the sale of the islands to the United States, submitting the question to arbitration if the Secretary of State prefers.	387
12	Same to same (telegram)....	May 13	Authorizes the minister to inform the United States of Spain's readiness to cede the islands.	388
13	The Spanish minister to the Minister of State (telegram).	May 22	States that the United States Government wishes to know, confidentially, what price Spain desires.	388
14	Same to same.....	May 25	Refers to note he addressed on 19th instant to the Secretary of State, and reports a conversation with him in which the minister stated Spain's disposition to cede the islands.	388

LIST OF PAPERS—Continued.

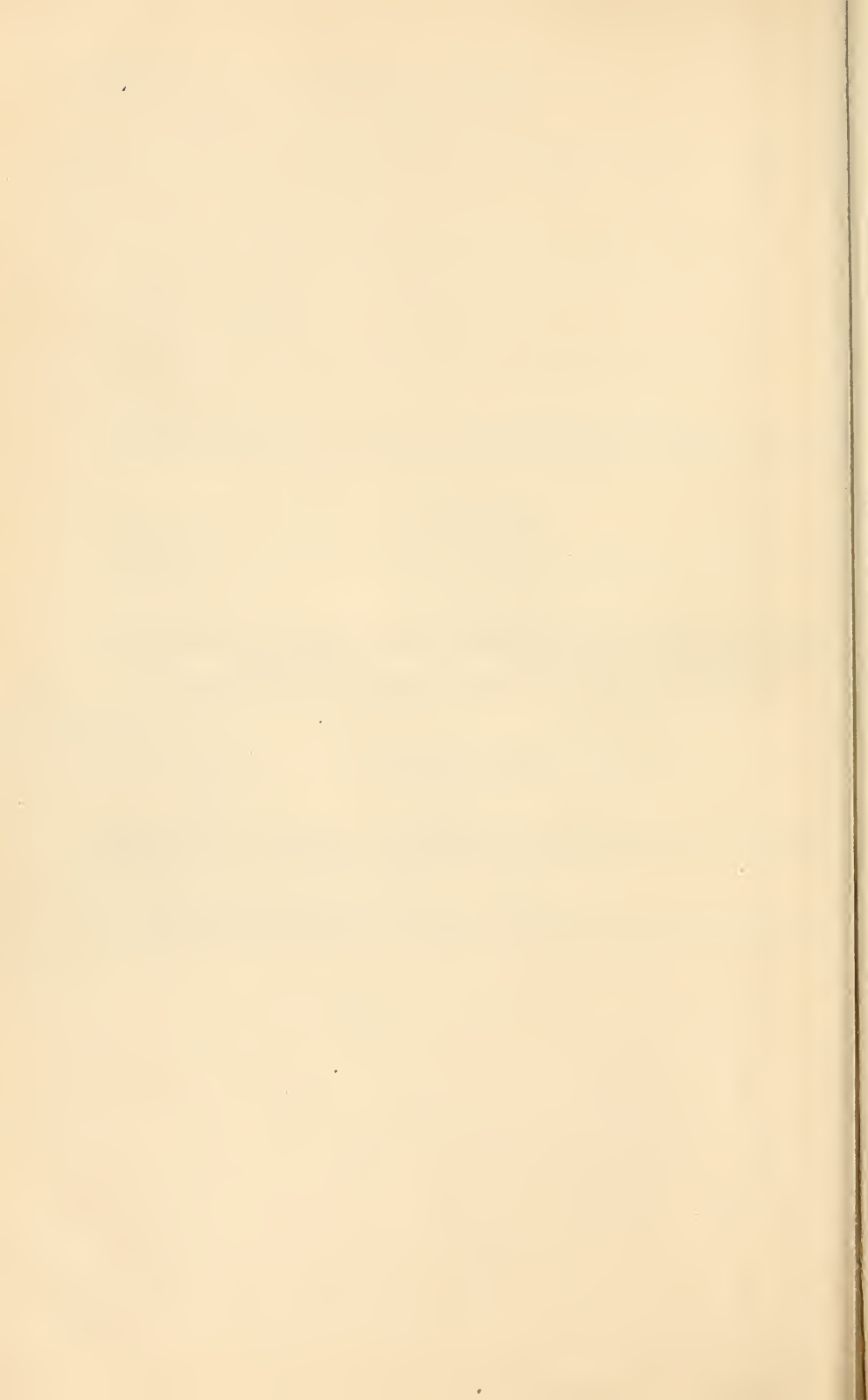
No.	From and to whom.	Date.	Subject.	Page.
		1900.		
15	The Minister of State to the Spanish minister (telegram).	May 26	Authorizes minister to ask \$100,000 for cession of islands to the United States.	391
16	The Spanish minister to the Minister of State (telegram).	June 14	States that the United States only offers \$50,000 for the islands.	391
17	The Minister of State to the Spanish minister (telegram).	June 16	Declines \$50,000 as price for cession of the islands, as they are on route to Australia.	391
18	The Spanish minister to the Minister of State (telegram).	June 17	States that if there is no agreement, the question will revert to its former status—as the negotiation for their sale has been unofficial—the United States maintaining their right to the islands.	391
19	The Minister of State to the Spanish minister (telegram).	June 28	Replies that price offered by United States is not acceptable.	392
20	The Spanish minister to the Minister of State (telegram).	June 30	Reports having advised United States Government of Spain's refusal to accept price. The minister reports continuing his efforts to obtain what Spain asks.	392
21	Same to same.....	.....do.....	Confirms telegrams of 14th, 17th, and 30th instant, and makes detailed report.	392
22	The Minister of State to the Spanish minister.	July 16	Acknowledges receipt of foregoing, and approves course.	396
23	The Spanish minister to the Minister of State.	July 23	Reports that the United States has resolved to pay the \$100,000 asked by Spain. Incloses copy of draft of treaty of cession.	397
24	The Minister of State to the Spanish minister.	Sept. 12	Congratulates minister on result obtained. Returns the draft of treaty with unimportant amendments.	397
25	Same to same.....	Oct. 30	Asks how matter is progressing; urges early signature of treaty.	398
26	The Spanish minister to the Minister of State (telegram).	Nov. 7	Reports signature of treaty. Incloses text.....	398

PART I.

GENERAL NEGOTIATIONS WITH THE UNITED STATES FROM
APRIL 10, 1896, UNTIL THE DECLARATION OF WAR.

TRANSLATION.

(Documents presented to the Cortes in the Legislature of 1898 by the Minister of State.)



CORRESPONDENCE.

No. 1.

*The Minister Plenipotentiary of His Majesty in Washington to the
Minister of State.*

[Translation.]

WASHINGTON, *April 10, 1896.*

EXCELLENCY: The diplomatic attaché, Don Antonio Plá, will deliver to your excellency the original of the note which the Secretary of State of the United States has addressed to me under date of the 4th instant and which I received day before yesterday—the 8th—in the afternoon.

Realizing its importance, I sent immediately to your excellency a full telegraphic extract, forwarding to you to-day a translation of the note, which I have dictated, endeavoring to translate it into Spanish as literally as possible.

I believe it unnecessary to express myself at length upon the note. The style is clear and exact, the propositions do not admit of doubt, and, since your excellency knows from my official and informal correspondence the evolution of views of the Secretary of State which has produced the explicit definition of Mr. Cleveland's policy contained in this important document, I need not comment upon it.

It is not surprising that, the true situation of Cuba being so difficult to understand and public opinion against Spain having been agitated more than a year and shown in so aggressive a manner in the discourses in Congress, there may be some portions (of the note) in which too much importance is given to the insurrection and in which Spain's forces are not appreciated.

But, aside from these errors, which are the same in all European and American press, there is such explicit recognition of the sovereignty of Spain, such categorical and dignified declarations of non-intention to intervene or meddle with our internal affairs, such precise knowledge of what the insurgents are, such true appreciation of what the island would be if it should be delivered to them, and such frank assertions that the United States has no ambitious intentions, that I consider Mr. Olney's communication very satisfactory and it has been a real pleasure to me to receive it.

It is not for me in any way to conjecture the grounds for the counsels which are tendered to the Government of His Majesty.

The Government of His Majesty in its wisdom and patriotism will determine what most assures the dignity and interests of Spain; and I only need add that from the reading of this paper, and from the conversations which I have had with the Secretary of State before and since its receipt, I have become convinced that Mr. Cleveland's attitude and that of his principal counselor is inspired by true sentiments of friendship toward Spain and by a love for peace and justice, and that they are entirely sincere.

When one considers the numerous resolutions of the two Houses of Congress, the popular agitation, the tide of public opinion, superficial but widespread, which has been inspired against Spain by our enemies, the attitude of the press and what it has been asking and is asking even to-day—nay, more, what has been demanded and is demanded even now of the President of the Republic—we can do no less than admire the high qualities of rectitude and honor, the fearlessness and the respect toward the legitimate rights of Spain, which are shown in this note addressed by this Government, through me, to the Government of His Majesty.

In the interview I had yesterday with Mr. Olney, he assured me that, in case of Spain agreeing with this Government, the initiative will be left to her as to what the reforms shall be, as to the time and occasion for tendering them and putting them into force, as to the form which may be observed in doing so; it being understood that this is a matter requiring calm deliberation. The intimation only was made that if such action is taken promptly it will be an assistance to this Government, which has to combat an extreme public opinion urging definite intervention in favor of the revolutionists.

I have limited myself to the reply which your excellency will see in the accompanying inclosure.

Dios, etc.,

ENRIQUE DUPUY DE LÔME.

[Inclosure A.]

The Secretary of State of the United States to the Minister Plenipotentiary of His Majesty in Washington.

No. 110.]

DEPARTMENT OF STATE,
Washington, April 4, 1896.

Señor DON ENRIQUE DUPUY DE LÔME,

Etc., Etc., Etc.

SIR: It might well be deemed a dereliction of duty to the Government of the United States, as well as a censurable want of candor to that of Spain, if I were longer to defer official expression as well of the anxiety with which the President regards the existing situation in Cuba as of his earnest desire for the prompt and

permanent pacification of that island. Any plan giving reasonable assurance of that result and not inconsistent with the just rights and reasonable demands of all concerned would be earnestly promoted by him by all the means which the Constitution and laws of this country place at his disposal.

It is now some nine or ten months since the nature and prospects of the insurrection were first discussed between us. In explanation of its rapid and, up to that time, quite unopposed growth and progress, you called attention to the rainy season, which, from May or June until November, renders regular military operations impracticable. Spain was pouring such numbers of troops into Cuba that your theory and opinion that, when they could be used in an active campaign, the insurrection would be almost instantly suppressed, seemed reasonable and probable. In this particular you believed—and sincerely believed—that the present insurrection would offer a most marked contrast to that which began in 1868, and which, being feebly encountered with comparatively small forces, prolonged its life for upward of ten years.

It is impossible to deny that the expectations thus entertained by you in the summer and fall of 1895, and shared not merely by all Spaniards but by most disinterested observers as well, have been completely disappointed. The insurgents seem to-day to command a larger part of the island than ever before. Their men under arms, estimated a year ago at from ten to twenty thousand, are now conceded to be at least two or three times as many. Meanwhile, their discipline has been improved and their supply of modern weapons and equipment has been greatly enlarged, while the mere fact that they have held out to this time has given them confidence in their own eyes and prestige with the world at large. In short, it can hardly be questioned that the insurrection, instead of being quelled, is to-day more formidable than ever and enters upon the second year of its existence with decidedly improved prospects of successful results.

Whether a condition of things entitling the insurgents to recognition as belligerents has yet been brought about may, for the purposes of the present communication, be regarded as immaterial. If it has not been, it is because they are still without an established and organized civil government having an ascertained situs, presiding over a defined territory, controlling the armed forces in the field, and not only fulfilling the functions of a regular government within its own frontiers, but capable internationally of exercising those powers and discharging those obligations which necessarily devolve upon every member of the family of nations. It is immaterial for present purposes that such is the present political status of the insurgents because their defiance of the authority of Spain remains none the less pronounced and successful and their displacement of that authority throughout a very large portion of the island is none the less obvious and real. When in 1877 the president of the so-called Cuban republic was captured, its legislative chamber surprised in the mountains and dispersed, and its presiding officer and other principal functionaries killed, it was asserted in some quarters that the insurrection had received its deathblow and might well be deemed to be extinct. The leading organ of the insurrectionists, however, made this response:

"The organization of the liberating army is such that a brigade, a regiment, a battalion, a company, or a party of 25 men can operate independently against the enemy in any department without requiring any instructions save those of their immediate military officers, because their purpose is but one, and that is known by heart, as well by the general as his soldier, by the negro as well as the white man or the Chinese, viz, to make war on the enemy at all times, in all places, and by all means; with the gun, the machete and the firebrand. In order to do this, which is the duty of every Cuban soldier, the direction of a government or a legislative chamber is not needed; the order of a subaltern officer, serving under the general

in chief, is sufficient. Thus it is that *the government and chamber have in reality been a superfluous luxury for the revolution.*"

The situation thus vividly described in 1877 is reproduced to-day. Even if it be granted that a condition of insurgency prevails and nothing more, it is on so large a scale and diffused over so extensive a region and is so favored by the physical features and the climate of the country that the authority of Spain is subverted and the functions of its government are in abeyance or practically suspended throughout a great part of the island. Spain still holds the seaports and most, if not all, of the large towns in the interior. Nevertheless a vast area of the territory of the island is in effect under the control of roving bands of insurgents, which, if driven from one place to-day by an exhibition of superior force, abandon it only to return to-morrow when that force has moved on for their dislodgment in other quarters. The consequence of this state of things can not be disguised. Outside of the town, still under Spanish rule, anarchy, lawlessness and terrorism are rampant. The insurgents realize that the wholesale destruction of crops, factories, and machinery advances their cause in two ways. It cripples the resources of Spain on the one hand; on the other, it drives into their ranks the laborers who are thus thrown out of employment. The result is a systematic war upon the industries of the island and upon all the means by which they are carried on, and whereas the normal annual product of the island is valued at something like eighty or a hundred millions, its value for the present year is estimated by competent authority as not exceeding twenty millions. Bad as is this showing for the present year it must be even worse for the next year and for every succeeding year during which the rebellion continues to live. Some planters have made their crops this year who will not be allowed to make them again. Some have worked their fields and operated their mills this year in the face of a certain loss who have neither the heart nor the means to do so again under the present even more depressing conditions. Not only is it certain that no fresh money is being invested on the island, but it is no secret that capital is fast withdrawing from it, frightened away by the hopelessness of the outlook. Why should it not be? What can a prudent man foresee as the outcome of existing conditions except the complete devastation of the island, the entire annihilation of its industries, and the absolute impoverishment of such of its inhabitants as are unwise or unfortunate enough not to seasonably escape from it? The last preceding insurrection lasted for ten years and then was not subdued, but only succumbed to the influence of certain promised reforms. Where is found the promise that the present rebellion will have a shorter lease of life, unless the end is sooner reached through the exhaustion of Spain herself? Taught by experience, Spain wisely undertook to make its struggle with the present insurrection short, sharp and decisive; to stamp it out in its very beginning by concentrating upon it large and well-organized armies—armies infinitely superior in numbers, in discipline, and in equipment to any the insurgents could oppose to them. Those armies were put under the command of its ablest general as well as its most renowned statesman—of one whose very name was an assurance to the insurgents both of the skillful generalship with which they would be fought and of the reasonable and liberal temper in which just demands for redress of grievances would be received. Yet the efforts of Campos seem to have utterly failed, and his successor, a man who, rightfully or wrongfully, seems to have intensified all the acerbities of the struggle, is now being reenforced with additional troops. It may well be feared, therefore, that if the present is to be of shorter duration than the last insurrection it will be because the end is to come sooner or later through the inability of Spain to prolong the conflict, and through her abandonment of the island to the heterogeneous combination of elements and of races now in arms against her. Such a conclusion of the struggle can not be

viewed even by the most devoted friend of Cuba and the most enthusiastic advocate of popular government except with the gravest apprehension. There are only too strong reasons to fear that, once Spain were withdrawn from the island, the sole bond of union between the different factions of the insurgents would disappear; that a war of races would be precipitated, all the more sanguinary for the discipline and experience acquired during the insurrection; and that, even if there were to be temporary peace it could only be through the establishment of a white and a black republic, which, even if agreeing at the outset upon a division of the island between them, would be enemies from the start and would never rest until the one had been completely vanquished and subdued by the other.

The situation thus described is of great interest to the people of the United States. They are interested in any struggle anywhere for freer political institutions, but necessarily and in special measure in a struggle that is raging almost in sight of our shores. They are interested, as a civilized and Christian nation, in the speedy termination of a civil strife characterized by exceptional bitterness and exceptional excesses on the part of both combatants. They are interested in the noninterruption of extensive trade relations which have been and should continue to be of great advantage to both countries. They are interested in the prevention of that wholesale destruction of property on the island which, making no discrimination between enemies and neutrals, is utterly destroying American investments that should be of immense value and is utterly impoverishing great numbers of American citizens. On all these grounds and in all these ways the interest of the United States in the existing situation in Cuba yields in extent only to that of Spain herself, and has led many good and honest persons to insist that intervention to terminate the conflict is the immediate and imperative duty of the United States. It is not proposed to now consider whether existing conditions would justify such intervention at the present time, or how much longer those conditions should be endured before such intervention would be justified. That the United States can not contemplate with complacency another ten years of Cuban insurrection, with all its injurious and distressing incidents, may certainly be taken for granted. The object of the present communication, however, is not to discuss intervention, nor to propose intervention, nor to pave the way for intervention. The purpose is exactly the reverse—to suggest whether a solution of present troubles can not be found which will prevent all thought of intervention by rendering it unnecessary. What the United States desires to do, if the way can be pointed out, is to cooperate with Spain in the immediate pacification of the island on such a plan as, leaving Spain her rights of sovereignty, shall yet secure to the people of the island all such rights and powers of local self-government as they can reasonably ask. To that end, the United States offers and will use her good offices at such time and in such manner as may be deemed most advisable. Its mediation, it is believed, should not be rejected in any quarter, since none could misconceive or mistrust its purpose. Spain could not, because our respect for her sovereignty and our determination to do nothing to impair it have been maintained for many years at great cost and in spite of many temptations. The insurgents could not, because anything assented to by this Government which did not satisfy the reasonable demands and aspirations of Cuba would arouse the indignation of our whole people. It only remains to suggest that, if anything can be done in the direction indicated, it should be done at once and on the initiative of Spain. The more the contest is prolonged the more bitter and more irreconcilable is the antagonism created, while there is danger that concessions may be so delayed as to be chargeable to weakness and fear of the issue of the contest, and thus be infinitely less acceptable and persuasive than if made while the result still hangs in balance and they could be properly credited in some degree at least to a sense of right and

justice. Thus far Spain has faced the insurrection sword in hand, and has made no sign to show that surrender and submission would be followed by anything but a return to the old order of things. Would it not be wise to modify that policy and to accompany the application of military force with an authentic declaration of the organic changes that are meditated in the administration of the island with a view to remove all just grounds of complaint? It is for Spain to consider and determine what those changes would be. But should they be such that the United States could urge their adoption as substantially removing well-founded grievances, its influence would be exerted for their acceptance, and, it can hardly be doubted, would be most potential for the termination of hostilities and the restoration of peace and order to the island. One result of the course of proceeding outlined, if no other, would be sure to follow; namely, that the rebellion would lose largely, if not altogether, the moral countenance and support it now enjoys from the people of the United States.

In closing this communication, it is hardly necessary to repeat that it is prompted by the friendliest feeling toward Spain and the Spanish people. To attribute to the United States any hostile or hidden purposes would be a grave and most lamentable error. The United States has no designs upon Cuba and no designs against the sovereignty of Spain. Neither is it actuated by any spirit of meddling nor by any desire to force its will upon another nation. Its geographical proximity and all the considerations above detailed compel it to be interested in the solution of the Cuban problem, whether it will or no. Its only anxiety is that that solution should be speedy, and by being founded on truth and justice should also be permanent. To aid in that solution it offers the suggestions herein contained. They will be totally misapprehended unless the United States be credited with entertaining no other purpose toward Spain than that of lending its assistance to such termination of a fratricidal contest as will leave honor and dignity unimpaired at the same time that it promotes and conserves the true interests of all parties concerned.

I avail myself, etc.,

RICHARD OLNEY.

[Inclosure B.]

The Minister Plenipotentiary of His Majesty in Washington to the Secretary of State of the United States.

WASHINGTON, April 8, 1896.

MR. SECRETARY: I have received the note which you were pleased to address to me under date of the 4th instant, and I have the honor to say that I highly appreciate its importance and the spirit of friendship which prompted it.

I shall hasten to forward it to the Government of His Majesty the King of Spain, having already advised him by cable that I have received it.

I avail myself, etc.,

E. DUPUY DE LÔME.

No. 2.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Translation.]

MADRID, May 22, 1896.

EXCELLENCY: In due course I received your excellency's dispatch of the 10th of last April, accompanied by the original note of Mr.

Olney of the 4th of the same month, regarding the Cuban situation, and by the literal translation which your excellency has made of said note.

The importance of the communication from the Government of Washington has led the Government of His Majesty to examine it with the greatest care and to postpone an answer until such time as its own views on the complicated and delicate Cuban question should be made public. In this way the previous voluntary decisions of the Spanish Government may serve, as they are now serving, as the basis of the reply. The ample and liberal purposes made known to the Cortes by the august lips of His Majesty in the speech from the Throne permit the taking up of the matter in all sincerity.

The Government of His Majesty fully appreciates the noble frankness with which the Government of the United States has advised it of the very definite views it has formed touching the juridical impossibility of recognizing the Cuban insurgents as belligerents. Indeed, those who are fighting in Cuba against the integrity of the Spanish mother country do not possess any qualifications which entitle them to the respect or even to the consideration of other nations; they do not possess—as the Secretary of State expresses it—an established and organized civil government, with a known seat and administration of defined territory; and they have not succeeded in permanently occupying any town, much less any city, large or small. It is impossible, therefore—as the Secretary of State also said, voluntarily, and with great legal acumen—for the Cuban insurgents to perform the functions of a regular government within their own frontiers, and much less to exercise the rights and fulfill the obligations that are incumbent on all the members of the family of nations. Moreover, their systematic campaign of destruction against all the industries of the island, and the means by which the campaign is carried on, would of itself be sufficient to keep them without the pale of the rules of international law universally recognized and applicable to the case, leaving to them the character to which they are entitled by their acts of vandalism and destruction.

No less gratifying to the Government of His Majesty has been the explicit and spontaneous declaration that the Government of the United States seeks no advantage in connection with the Cuban question, its only wish and purpose being that the ineluctable and lawful sovereignty of Spain be conserved and even strengthened, through the submission of the rebels, which, as the Secretary of State himself declares, is of paramount necessity to the Spanish Government in order to maintain its authority and honor. No less could have been expected from the lofty sense of right cherished

by the Government of the United States, and the Government of His Majesty recognizes with pleasure all the weight carried by the emphatic declarations of Mr. Olney touching the sovereignty of Spain and the decision of the United States not to do anything derogatory to it.

In view of so correct and so friendly an attitude it is unnecessary to discuss, as Mr. Olney remarks, the hypothesis of intervention, which would be inconsistent with the aforesaid views.

There can be no greater accuracy of judgment than that displayed by the Secretary of State touching the future of the island of Cuba in the event, which can not and shall not be, of the insurrection terminating in its triumph. As Mr. Olney says, with much reason, such a termination of the conflict would be looked upon with the most serious misgivings, even by the most enthusiastic advocates of popular government, because, as he rightly adds, with the heterogeneous combination of races that exists there the disappearance of Spain would be the disappearance of the only bond of union which can keep them in balance and prevent an inevitable struggle among the men of different color, contrary to the spirit of Christian civilization. The accuracy of the statement of the Secretary of State is the more striking as, owing to the conditions of population in the island, no part of the natives can be conceded superiority over the others, if the assistance of the European Spaniards is not taken into account.†

The island of Cuba has been exclusively Spanish from its discovery; the great normal development of its resources, whatever they are, whatever their value, and whatever they represent in the community of mankind, is due entirely to the mother country; and even at this day, among the diverse groups that inhabit it, whatever be the standpoint from which the question is examined, the natives of the Peninsula are absolutely necessary there for the peace and advancement of the island.

— All these reasons clearly demonstrate that it is not possible to think that any benefit can come to the island of Cuba except through the agency of Spain, acting under her own convictions, and actuated, as she has long been, by principles of liberty and justice. The Spanish Government is aware that far from having justice done it on all sides on these points there are many persons obviously deceived by incessant calumnies who honestly believe that a ferocious despotism prevails in our Antilles, instead of one of the most liberal political systems in the world being enjoyed there now, as well as before the insurrection. One need only glance over the legislation governing the Antilles—laws which ought to be sufficiently known in the United States at this day—to perceive how

absolutely groundless such opinions are. A collection of the Cuban newspapers published in recent years would suffice to show that few civilized countries then enjoyed in an equal degree freedom of thought and of the press—the foundation of all liberty.

Naturally the Government of His Majesty and the people of Spain wish and even long for the early pacification of Cuba. In order to secure it they are ready to exert their utmost efforts and at the same time to adopt such reforms as may be useful or necessary and compatible, of course, with their inalienable sovereignty, as soon as the submission of the insurgents be an accomplished fact. It is truly gratifying to me here to observe that our opinions on this point coincide with those of the Secretary of State.

No one, on the other hand, is more fully aware of the serious evils suffered by Spaniards and aliens in consequence of the insurrection than the Government of His Majesty. It realizes the immense injury inflicted on Spain by the putting forth, with the unanimous cooperation and approbation of her people, of such efforts as were never before made in America by any European country. It knows, at the same time, that the interests of foreign industry and trade suffer—as well as the Spanish interests—by the system of devastation of the insurgents. But if the insurrection should triumph the interests of all would not merely suffer, but would entirely and forever disappear amid the furors of perpetual anarchy.

It has already been said that in order to avoid evils of such magnitude the Cabinet of Madrid does not and will not confine itself exclusively to the employment of armed force. The speech from the Throne, read before the National Representation, promised, *motu proprio*, not only that all that was previously granted would be carried into effect as soon as opportunity offers, but also, by fresh authorization of the Cortes, all that which may appear to be necessary to amplify and extend the original reforms, to the end that both Antillas may, in the administrative Department, enjoy a personnel of a local character—that the intervention of the mother country may be dispensed with in their domestic affairs, with the limit merely that the rights of sovereignty be not impaired, or the powers of the Government to preserve the same. This solemn promise, guaranteed by the august word of His Majesty, will be fulfilled by the Spanish Government with a true liberality of views. The foregoing facts, being better known every day, will make it patent to the just people of other nations that Spain, far from proposing that her subjects in the West Indies should return to a régime unfit for the times, when she enjoys such liberal laws, would never have withheld these same laws from the islands but for the incessant separatist conspiracies, which compelled her to look above all to self-defense.

Under the promises thus made, I entertain the confidence that the Government of the United States will readily see that Spain, while grateful in the highest degree for the kind advice bestowed, has forestalled it for a long time past. It follows, therefore, as a matter of course, it will comply with it in a practical manner as soon as circumstances make it possible. But Mr. Olney will have seen by the public press that already the insurgents, elated by the strength which they have acquired through the aid of a certain number of citizens of the United States, have contemptuously repelled, through the medium of the Cubans residing in that country, any idea that the Government of Washington can intervene in the contest, either with its advice or in any other manner, on the supposition that the declarations of disinterestedness of the Government of the United States are false and that it wishes to get possession of that island in the future. Hence it is evident that no success would attend such possible mediation, which they repel, even admitting that the mother country would condescend to treat with its rebellious subjects, as one power to another, thus certainly jeopardizing its future authority, detracting from its natural dignity, and injuriously affecting its independence, for which it has always shown so jealous a care in all times, as history teaches. In brief, there is no effectual way to pacify Cuba apart from the actual submission of the armed rebels to the mother country.

Notwithstanding this, the Government of the United States could, by use of proper means, contribute greatly to the pacification of the island of Cuba. The Government of His Majesty is already very grateful for the intention of the United States to prosecute the unlawful expeditions of some of its citizens to Cuba with more vigor than in the past, after making a judicial investigation to determine the adequacy of its laws, when honestly enforced. Still, the high moral sense of the Government of Washington will undoubtedly suggest to it other more effectual means of preventing from henceforth what is now the case, the prolongation of a struggle so close to its borders and so injurious to its commerce and trade (which Mr. Olney justly deplures) being especially due to the powerful assistance which the rebellion finds in the territory of the great American Republic, against the wishes of the larger part of its population. The constant violation of international law is especially manifest on the part of Cuban emigrants, who care nothing for the losses suffered in the interim by the citizens of the United States and of Spain through the prolongation of the war.

The Spanish Government, on its part, has already done much and will do more each day in order to achieve so desirable an end, by endeavoring to correct the mistakes of public opinion in the United

States and by exposing the plots and calumnies of its rebellious subjects. It may well happen that the declarations recently made in the most solemn form by the Government of His Majesty concerning its intentions for the future will also contribute in large measure to gratify the wish expressed by Mr. Olney that all the people of the United States, convinced that the right is with us, will completely cease to extend unlawful aid to the insurgents.

If, with such an object in view, the Government of the United States—which shows itself so hopeful that the justice of Spain may be recognized by all—should desire additional information to that it already has upon the Cuban question, the Government of His Majesty will have the greatest pleasure in supplying it with the most accurate details. When the Government of the United States shall once be convinced of our being in the right, and that honest conviction shall in some manner be made public, but little more will be required in order that all those in Cuba who are not striving merely to accomplish the total ruin of the beautiful country in which they were born, being then without hope of outside aid and powerless by themselves, will lay down their arms.

Until that happy state of things has been attained, Spain, in the just defense not only of her rights but also of her duty and honor, will continue the efforts for an early victory which she is now exerting regardless of the greatest sacrifices.

In these terms you will reply to the above-mentioned note from Mr. Olney.

Dios, etc.,

THE DUKE OF TETUÁN.

No. 3.

The Minister Plenipotentiary of His Majesty in Washington to the Minister of State.

[Translation.]

WASHINGTON, June 11, 1896.

EXCELLENCY: As I have had the honor to advise you by telegraph, the attaché, Señor Plá, arrived on the 3d instant on his return voyage from the Court, with the private note of your excellency, No. 88, of May 20.

Carrying out your excellency's instructions, I addressed, under date of the 4th instant, the note to Mr. Olney which you directed.

The Secretary of State, whom I have seen to-day, has shown himself very reserved, understanding that the note contains a courteous refusal by the Government of His Majesty to accept the good offices of the United States, and showing an interest in being

informed at the proper time of the discussion of matters concerning the island and the propositions of law which are presented to the Cortes, because he believes that the situation here and in Cuba must be bettered.

Dios, etc.,

ENRIQUE DUPUY DE LÔME.

No. 4.

The Minister Plenipotentiary of His Majesty in Washington to the Minister of State.

[Translation.]

WASHINGTON, December 9, 1896.

EXCELLENCY: Inclosed herewith I have the honor to forward to your excellency a copy of the message of the President, read yesterday in the Congress.

The general tone of the serious press is favorable to the Presidential message, which asserts that the present Administration will do nothing and that the United States ought to intervene only if Spain demonstrates her inability to conquer. The sensational newspapers overlook much that is good in the message in order to emphasize the final paragraphs; but they openly attack the President of the Republic because he gives up all hope for the insurgents and proposes to aid Spain in maintaining her sovereignty. The filibustering junta has offered to publish a statement controverting the declarations of the President.

Dios, etc.,

ENRIQUE DUPUY DE LÔME.

[Inclosure.]

Extracts from the message of the President of the United States, December 7, 1896, relative to the Cuban insurrection.

* * * It is difficult to perceive that any progress has thus far been made toward the pacification of the island or that the situation of affairs as depicted in my last annual message has in the least improved. If Spain still holds Habana and the seaports, and all the considerable towns, the insurgents still roam at will over at least two-thirds of the inland country. If the determination of Spain to put down the insurrection seems but to strengthen with the lapse of time and is evinced by her unhesitating devotion of largely increased military and naval forces to the task there is much reason to believe that the insurgents have gained in point of numbers, and character, and resources, and are none the less inflexible in their resolve not to succumb without practically securing the great objects for which they took up arms. If Spain has not yet reestablished her authority, neither have the insurgents yet made good their title to be regarded as an independent state. Indeed, as the contest has gone on the pretense that civil government exists on the island, except so far as Spain is able to maintain it, has been practically abandoned. Spain

does keep on foot such a government, more or less imperfectly, in the large towns and their immediate suburbs. But, that exception being made, the entire country is either given over to anarchy or is subject to the military occupation of one or the other party. It is reported, indeed, on reliable authority that, at the demand of the commander in chief of the insurgent army, the putative Cuban government has now given up all attempt to exercise its functions, leaving that government confessedly (what there is the best reason for supposing it always to have been in fact) a government merely on paper.

Were the Spanish armies able to meet their antagonists in the open, or in pitched battle, prompt and decisive results might be looked for and the immense superiority of the Spanish forces in numbers, discipline, and equipment could hardly fail to tell greatly to their advantage. But they are called upon to face a foe that shuns general engagements, that can choose and does choose its own ground, that, from the nature of the country, is visible or invisible at pleasure, and that fights only from ambuscade and when all the advantages of position and numbers are on its side. In a country where all that is indispensable to life in the way of food, clothing, and shelter is so easily obtainable, especially by those born and bred on the soil, it is obvious that there is hardly a limit to the time during which hostilities of this sort may be prolonged. Meanwhile, as in all cases of protracted civil strife, the passions of the combatants grow more and more inflamed and excesses on both sides become more frequent and more deplorable. They are also participated in by bands of marauders, who, now in the name of one party and now in the name of the other, as may best suit the occasion, harry the country at will and plunder its wretched inhabitants for their own advantage. Such a condition of things would inevitably entail immense destruction of property, even if it were the policy of both parties to prevent it as far as practicable. But while such seemed to be the original policy of the Spanish Government it has now apparently abandoned it and is acting upon the same theory as the insurgents—namely, that the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use and advantage to the enemy.

It is to the same end that, in pursuance of general orders, Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns. The sure result would seem to be that the industrial value of the island is fast diminishing, and that unless there is a speedy and radical change in existing conditions it will soon disappear altogether. That value consists very largely, of course, in its capacity to produce sugar, a capacity already much reduced by the interruptions to tillage which have taken place during the last two years. It is reliably asserted that should these interruptions continue during the current year and practically extend, as is now threatened, to the entire sugar-producing territory of the island, so much time and so much money will be required to restore the land to its normal productiveness that it is extremely doubtful if capital can be induced to even make the attempt.

The spectacle of the utter ruin of an adjoining country, by nature one of the most fertile and charming on the globe, would engage the serious attention of the Government and people of the United States in any circumstances. In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest in it is second only to that of the people and Government of Spain. It is reasonably estimated that at least from \$30,000,000 to \$50,000,000 of American capital are invested in plantations and in railroad, mining, and other business enterprises on the island. The volume of trade between the United States and Cuba, which in 1889 amounted to about \$64,000,000, rose in 1893 to about \$103,000,000, and in 1894, the year before the present

insurrection broke out, amounted to nearly \$96,000,000. Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways both vexatious and costly.

Many Cubans reside in this country and indirectly promote the insurrection through the press, by public meetings, by the purchase and shipment of arms, by the raising of funds, and by other means, which the spirit of our institutions and the tenor of our laws do not permit to be made the subject of criminal prosecutions. Some of them, though Cubans at heart and in all their feelings and interests, have taken out papers as naturalized citizens of the United States, a proceeding resorted to with a view to possible protection by this Government, and not unnaturally regarded with much indignation by the country of their origin. The insurgents are undoubtedly encouraged and supported by the widespread sympathy the people of this country always and instinctively feel for every struggle for better and freer government, and which, in the case of the more adventurous and restless elements of our population, leads in many instances to active and personal participation in the contest. The result is that this Government is constantly called upon to protect American citizens, to claim damages for injuries to persons and property, now estimated at many millions of dollars, and to ask explanations and apologies for the acts of Spanish officials, whose zeal for the repression of rebellion sometimes blinds them to the immunities belonging to the unoffending citizens of a friendly power. It follows from the same causes that the United States is compelled to actively police a long line of seacoast against unlawful expeditions, the escape of which the utmost vigilance will not always suffice to prevent.

These inevitable entanglements of the United States with the rebellion in Cuba, the large American property interests affected, and considerations of philanthropy and humanity in general have led to a vehement demand in various quarters for some sort of positive intervention on the part of the United States. It was at first proposed that belligerent rights should be accorded to the insurgents—a proposition no longer urged because untimely and in practical operation clearly perilous and injurious to our own interests. It has since been and is now sometimes contended that the independence of the insurgents should be recognized. But imperfect and restricted as the Spanish government of the island may be, no other exists there, unless the will of the military officer in temporary command of a particular district can be dignified as a species of government. It is now also suggested that the United States should buy the island, a suggestion possibly worthy of consideration if there were any evidence of a desire or willingness on the part of Spain to entertain such a proposal. It is urged, finally, that, all other methods failing, the existing internecine strife in Cuba should be terminated by our intervention, even at the cost of a war between the United States and Spain—a war which its advocates confidently prophesy could be neither large in its proportions nor doubtful in its issue.

The correctness of this forecast need be neither affirmed nor denied. The United States has nevertheless a character to maintain as a nation, which plainly dictates that right and not might should be the rule of its conduct. Further, though the United States is not a nation to which peace is a necessity, it is in truth the most pacific of powers and desires nothing so much as to live in amity with all the world. Its own ample and diversified domains satisfy all possible longings for territory, preclude all dreams of conquest, and prevent any casting of covetous eyes upon neighboring regions, however attractive. That our conduct toward Spain and her dominions has constituted no exception to this national disposition is made manifest by the course of our Government, not only thus far during the present insurrection, but during the ten years that followed the rising at Yara in 1868. No other great power, it may safely be said, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endur-

ance. It may also be said that this persistent attitude of the United States toward Spain in connection with Cuba unquestionably evinces no slight respect and regard for Spain on the part of the American people. They in truth do not forget her connection with the discovery of the Western Hemisphere, nor do they underestimate the great qualities of the Spanish people, nor fail to fully recognize their splendid patriotism and their chivalrous devotion to the national honor.

They view with wonder and admiration the cheerful resolution with which vast bodies of men are sent across thousands of miles of ocean, and an enormous debt accumulated, that the costly possession of the Gem of the Antilles may still hold its place in the Spanish Crown. And yet neither the Government nor the people of the United States have shut their eyes to the course of events in Cuba, nor have failed to realize the existence of conceded grievances, which have led to the present revolt from the authority of Spain—grievances recognized by the Queen Regent and by the Cortes, voiced by the most patriotic and enlightened of Spanish statesmen, without regard to party, and demonstrated by reforms proposed by the executive and approved by the legislative branch of the Spanish Government. It is in the assumed temper and disposition of the Spanish Government to remedy these grievances, fortified by indications of influential public opinion in Spain, that this Government has hoped to discover the most promising and effective means of composing the present strife, with honor and advantage to Spain and with the achievement of all the reasonable objects of the insurrection.

It would seem that if Spain should offer to Cuba genuine autonomy—a measure of home rule which, while preserving the sovereignty of Spain, would satisfy all rational requirements of her Spanish subjects—there should be no just reason why the pacification of the island might not be effected on that basis. Such a result would appear to be in the true interest of all concerned. It would at once stop the conflict which is now consuming the resources of the island and making it worthless for whichever party may ultimately prevail. It would keep intact the possessions of Spain without touching her honor, which will be consulted rather than impugned by the adequate redress of admitted grievances. It would put the prosperity of the island and the fortunes of its inhabitants within their own control, without severing the natural and ancient ties which bind them to the mother country, and would yet enable them to test their capacity for self-government under the most favorable conditions. It has been objected on the one side that Spain should not promise autonomy until her insurgent subjects lay down their arms; on the other side, that promised autonomy, however liberal, is insufficient because without assurance of the promise being fulfilled.

But the reasonableness of a requirement by Spain of unconditional surrender on the part of the insurgent Cubans before their autonomy is conceded is not altogether apparent. It ignores important features of the situation—the stability two years' duration has given to the insurrection; the feasibility of its indefinite prolongation in the nature of things, and as shown by past experience; the utter and imminent ruin of the island, unless the present strife is speedily composed; above all, the rank abuses which all parties in Spain, all branches of her Government, and all her leading public men concede to exist and profess a desire to remove. Facing such circumstances, to withhold the proffer of needed reforms until the parties demanding them put themselves at mercy by throwing down their arms has the appearance of neglecting the gravest of perils and inviting suspicion as to the sincerity of any professed willingness to grant reforms. The objection, on behalf of the insurgents, that promised reforms can not be relied upon must of course be considered, though we have no right to assume, and no reason for assuming, that anything Spain undertakes to do for the relief of Cuba will not be done according to both the spirit and the letter of the undertaking.

Nevertheless, realizing that suspicions and precautions on the part of the weaker of two combatants are always natural and not always unjustifiable—being sincerely desirous in the interest of both as well as on its own account that the Cuban problem should be solved with the least possible delay—it was intimated by this Government to the Government of Spain some months ago that if a satisfactory measure of home rule were tendered the Cuban insurgents and would be accepted by them upon a guaranty of its execution, the United States would endeavor to find a way not objectionable to Spain of furnishing such guaranty. While no definite response to this intimation has yet been received from the Spanish Government, it is believed to be not altogether unwelcome, while, as already suggested, no reason is perceived why it should not be approved by the insurgents. Neither party can fail to see the importance of early action and both must realize that to prolong the present state of things for even a short period will add enormously to the time and labor and expenditure necessary to bring about the industrial recuperation of the island. It is therefore fervently hoped on all grounds that earnest efforts for healing the breach between Spain and the insurgent Cubans, upon the lines above indicated, may be at once inaugurated and pushed to an immediate and successful issue. The friendly offices of the United States, either in the manner above outlined or in any other way consistent with our Constitution and laws, will always be at the disposal of either party.

Whatever circumstances may arise, our policy and our interests would constrain us to object to the acquisition of the island or an interference with its control by any other power.

It should be added that it can not be reasonably assumed that the hitherto expectant attitude of the United States will be definitely maintained. While we are anxious to accord all due respect to the sovereignty of Spain, we can not view the pending conflict in all its features, and properly apprehend our inevitably close relations to it and its possible results, without considering that by the course of events we may be drawn into such an unusual and unprecedented condition as will fix a limit to our patient waiting for Spain to end the contest, either alone and in her own way or with our friendly cooperation.

When the inability of Spain to deal successfully with the insurrection has become manifest and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest or the international duty we owe to Spain. Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

A contemplation of emergencies that may arise should plainly lead us to avoid their creation, either through a careless disregard of present duty or even an undue stimulation and ill-timed expression of feeling. But I have deemed it not amiss to remind the Congress that a time may arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens, joined by considerations of humanity and a desire to see a rich and fertile country,

intimately related to us, saved from complete devastation, will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace. * * *

No. 5.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *February 4, 1897.*

Council presided over by Queen. Her Majesty has just signed decree authorizing urgent consultation with the Council of State relative to project for the amplification of reforms in Cuba and Porto Rico. The Gaceta day after to-morrow—Saturday—will publish decree. Within a few hours I shall telegraph to your excellency a synopsis of all, and the whole of the most essential parts; meantime, do not credit press notices published there, which will surely be inaccurate, and if correct in any particular it would be only by intuition or accident. When you receive the telegram to which I refer, you may make use of it, confidentially, by informing the Secretary of State and preparing a statement, but before making public the whole text await telegram on Saturday morning announcing its publication in the Gaceta.

TETUÁN.

No. 6.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Translation.]

MADRID, *February 5, 1897.*

The lengthy preamble begins by recording the political history of the insurrection, showing that it had from its commencement a secessionist character, having a false idea that the weakness of Spain would prevent subduing it, and distrusting the achievement of administrative autonomy by peaceful means. The preamble asserts that the war, with all its disasters, has been rich in severe lessons, showing that in the end peaceful and constant progress is preferable to violent triumphs by whomsoever obtained.

It states in several different paragraphs that, although Spain has had to defer the application of ample administrative régime, she has never abandoned the purpose of establishing reforms voted by the Cortes, nor has she failed to understand the necessity of enlarging them in a manner satisfactory both to the Peninsulars and Cubans,

giving to the island an administrative and economic personality of a local character, which may hasten the complete intervention of the country in its own affairs, while maintaining intact the rights of sovereignty and the indispensable conditions for its maintenance, thus satisfying the real need that Cuba feels of experimenting what the English call "self-government" (which in Spanish is termed *descentralizacion amplia*), which will give to the country in large part the administration of its own affairs, so that it may take upon itself responsibility for its acts.

Expressing the foregoing sentiments, it recalls the promises in the speech of the Throne and in that of the President of the Council in the Congress; and at the same time it assures loyal fulfillment on the part of all the departments (of Spain), guaranteeing the sincerity of the present Government by citing the antecedents of its President, who was the first to adopt measures for the suppression of the slave trade and who, thirty years ago, convoked in Madrid an assembly of delegates of the Antilles to modify in those islands the administrative and labor régime. He introduced in Cuba, after the capitulation of Zanjón, the exercise of political rights and powerfully aided the voting by the Cortes of the reforms of March, 1895.

The preamble continues that with the present decree Spain will have completed what it is incumbent upon her to do to hasten the termination of the misfortunes of Cuba. The material application depends upon the insurgents, who, convinced of the futility of the struggle and grieved over the desolation and ruin of their native soil, should lay down their arms, thus making it possible for the mother country—Spain—to show her inexhaustible generosity, disposed as she always is to open her arms to them.

It further says that should the insurgents fail to duly appreciate these concessions to Cuba the present Government will not cease to maintain the war in defense of the sovereignty of Spain with the same energy as heretofore.

It explains, justifies, and assumes responsibility (in view of the extraordinary character of existing circumstances) for the Executive appropriating the powers appertaining to the legislative, and announces that it will ask the Cortes for a bill of indemnity. It enumerates the only points reserved for the examination and determination of Parliament, which are, the determination of the obligatory imperial expenses, the judicial organization, and the electoral reforms.

The preamble concludes with the following paragraph:

The Government has not sufficient means of determining whether the time before the application of present reforms in Cuba and Porto Rico will be long or short, although all the news is satisfactory and the forecast of approaching peace

is general. But whatever the conditions the Government understands it must be prepared to apply the reforms without the slightest delay when the opportunity shall arrive, and for that the advice of the Council of State will be urgently sought, although the Government will not apply the decree until the indispensable conditions for it are fulfilled. But it is to be hoped that, all having knowledge of Spain's purpose, conditions will be attained favorable for the peace that Spain desires and will never cease to desire and that the civilized world hopes for, and that the Spanish Government has always tried and will continue to try to procure by all means in its power.

Following the preamble is the decree authorizing consideration by the Council of projected reforms, which is in substance as follows:

ARTICLE I. The law of March 15, 1895, establishing reforms for government administration in Cuba will be amplified on the following rules, to be developed by by-laws:

Rule 1.—The provincial municipalities and assemblies of the island shall enjoy all the liberty of action compatible with obedience to the laws and respect for private rights.

The assemblies shall themselves elect their presidents.

In each assembly there shall be a provincial commission chosen by the deputies, who, every six months, elect the assembly. This commission shall elect its president.

The mayors and deputy mayors will be elected by the municipality from among its members. The mayors shall exercise, without limitation, the active functions of the municipal administration, such as executing the decisions of the municipalities. The provincial assemblies shall have the right to suspend the decisions of the municipalities when they exceed the limit of the municipal rights, making a report to the civil governor. In case it is not approved the matter shall be appealed to the highest court, beyond which there shall be no recourse.

In order to meet municipal obligations the provincial assemblies shall have all proper powers over the tributary system, under which comes the general and local system of taxation on the island.

The provincial resources shall be independent from the municipal.

The creation of establishments of public instruction in the Provinces shall belong to the respective assemblies and, in towns, to the municipalities.

The Governor-General and the civil governors shall alone have the necessary intervention in these matters to assure the observance of the general laws and the compatibility of the provincial and municipal resources with the estimated expenses of those undertakings.

Rule 2.—The council of administration shall be composed of thirty-five councilors. Twenty-one shall be elected under the same conditions and census that elects the assemblies and municipalities, according to article 3 of the law of March 15, 1895. Nine shall be as follows:

The president of the University of Habana.

The president of the Chamber of Commerce of Habana.

The president of the Economical Society of the Friends of the City of Habana.

The president of the Planters' Association.

The president of the Tobacco Manufacturers' Union.

One member from the chapters of the Cathedral of Habana and Santiago de Cuba.

One member representing all the trades associations of Habana.

Two among the largest taxpayers of the Province of Habana.

The five remaining councilors shall be delegates to the Cortes or senators who have been elected in the greatest number of general elections.

The Governor-General shall be the honorary president of the council, and the actual president will be the one of the councilors whom the Governor-General may designate. The duties of councilor are incompatible with those of senator or deputy to the Cortes. Councilors shall be elected who have the same qualifications as deputies of the Cortes and have resided in the island two years. The appointment and designation of the official personnel of the council shall appertain only and exclusively to said council. The council shall elect every six months executive and other committees. Each committee shall be composed of five members.

Rule 3.—The Cortes shall determine the expenses of sovereignty and shall fix the amount of the budget to cover them. The council of administration will accord, each year, the taxes and revenues necessary to meet the expenses approved by the Cortes. If by the 1st of July each year the council shall not have approved and voted the taxes and revenues necessary to meet the budget approved by the Cortes, the Governor-General shall decree them in consultation with the intendente de hacienda (treasury). The council of administration shall frame and approve the local budget and resources to meet expenses declared to be necessary. The local receipts shall consist—besides what has already been authorized—in such taxes and revenues as the council of administration may agree upon not incompatible with the existing receipts pertaining to the state budget. The establishment of new educational institutions to qualify for a government career, excepting for those of the army and navy, shall belong to the council of administration.

Rule 4.—The powers of the council of administration as regards tariff matters shall be as follows:

1. To fix, after conference with the intendente, rules for the administration of tariff revenues.
2. To fix, in consultation with the intendente, what may be most convenient regarding taxes on exports.
3. To fix or modify the fiscal customs duties to be collected on importations in the island.
4. It may make any previous report upon, and may also make recommendations concerning, alterations for the general or supplemental disposition, the classification, or the schedule of duties.

These rights shall have the following limitations:

1. National products imported directly into Cuba shall enjoy the reasonable and indispensable protection which is placed on differential duties which are levied in a minimum character equally on all foreign products.
2. Revenue taxes established by the council of administration shall not be differential, but shall be levied alike on all products, national as well as others.
3. Duties imposed on exports shall not be differential, but shall be levied equally. There shall be an exception, however, in favor of products destined directly to Spain for home consumption; and
4. Any prohibition upon the exportation of products shall cover products destined directly for home consumption in Spain.

The customs tariff will have the following form: It will consist of two columns—one for fiscal revenues on all importations, including national; the other for differential duties imposed equally on foreign products, where there will be an indispensable protection for the national industry. The Cortes will establish the maximum of this protection.

The Government will fix, for the first time, the articles of the tariff which will make up the differential columns. These taxes shall not exceed 20 per cent the value of the articles.

The Government will decree a revision of the official valuation, after hearing any opposing reports.

The immediate realization of all the conditions established in these rules not being possible, the Minister of the Colonies, in accordance with the laws of June 28, 1895, will publish a provisional tariff on these lines, in order to avoid delay in the reform of the tariff law in Cuba. Treaties or commercial conventions affecting tariffs in Cuba shall be special. They shall not contain the most-favored-nation clause or its equivalent.

The council of administration shall be consulted as to the advisability of special concessions, which in principle the Government plans, and this shall be done before the final drafting for the approval of the Cortes.

Rule 5.—Refers to the power of the Governor-General to appoint and place employees in the offices of the Governor-General, of civil administration, and of the civil governors.

Rule 6.—Refers to the department of the Governor-General; to the powers of the intendente de hacienda (treasury), controller, and director of local administration to appoint employees in their offices, and also those of the postal and telegraph service.

Rule 7.—Limits the appointment of government employees by the Governor-General to natives of the island or to those who have resided there two years. Their qualifications and legal fitness must be submitted to an examination by the council of administration. The only exceptions from this rule are the departments of the Governor-General, intendente, controller, director of administration, and civil governors. The Governor-General will be authorized to appoint delegates in the municipalities, who may exercise executive functions, but in no case shall those delegates be authorized to interfere in the functions of the mayors of the municipalities.

Rule 8.—Refers to the members of the judiciary, who shall, in future, be appointed from natives of the island or those who have resided there two years. The municipal judges (justices of the peace) shall be appointed by the members of the municipal council and by electors chosen by the people (electores compromisarios).

Rule 9.—The council of administration shall respect the present pending contracts, but on their termination may renew or reject them. The council shall also have the right to apply the treasury law of the Peninsula, entering into an agreement with the Spanish Bank of Cuba.

Rule 10.—A special decree, which would be submitted to the Cortes, shall contain appropriate provisions for the maintenance of public order and suppression of separatist movements.

ART. 2. The Government will embody in a single decree the foregoing regulations, together with those of the law of May 15, 1895, making the text of the two harmonious and developing both in a by-law, and not altering their strict sense.

ART. 3. States that the foregoing rules shall be applied also to Porto Rico.

ART. 4. The date for the application to Cuba of the rules voted by the Cortes and the present decree to Cuba and Porto Rico will be fixed by the Government as soon as the state of war in Cuba will permit it.

The entire text is not cabled to your excellency, but only so much as is necessary for you to form an exact opinion upon it and to enable you to rectify any incorrect statements that may have been transmitted. If you desire further information upon any point, you may

request it. I shall send you by mail six copies of the Gaceta. Acknowledge receipt, by cable, of this telegram, stating the hour it reaches you.

TETUÁN.

No. 7.

The Minister Plenipotentiary of His Majesty in Washington to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, February 13, 1897.

The opinion of the Secretary of State—which is also that of the President of the Republic—concerning the reforms is that they are as extensive as could be asked and more than they expected. This is also the opinion of most of the principal politicians who have not been openly unfriendly to us—including many of those who have great influence in the new Administration, and Mr. McKinley himself. The press, which began to attack them without knowing them, has lately been silent in the matter.

The Cuban question is to-day dead in Congress and before the public, and to this is to be attributed the little excitement the matter is creating here. I should not conceal that I note a certain tendency to inaction on the part of the Secretary of State during the little time that remains to him in the discharge of his office. My opinion is that in measure, as the reforms become better known and understood, their effect will be increasingly appreciated, thus settling the matter finally and preventing any fear of interference on the part of the new Administration, at least for some time. Public opinion is slow in forming, because it does not understand institutions very different from its own.

If I might venture to do so, I would congratulate the President of the Council upon the wisdom and patriotism with which he has determined this vital question.

DUPUY.

No. 8.

The Minister Plenipotentiary of His Majesty in Washington to the Minister of State.

[Translation.]

WASHINGTON, June 28, 1897.

EXCELLENCY: I have the honor to transmit to your excellency a literal copy and translation of the note which, under date of the

26th instant, the Secretary of State of the United States has addressed to me, which I received this morning as I have advised you by cable of this date.

As I have also advised you by cable, I shall refrain from replying to the said note until I receive proper instructions from your excellency, likewise abstaining from making any comment concerning the contents of the document.

Dios, etc.,

ENRIQUE DUPUY DE LÔME.

[Inclosure.]

Mr. Sherman to Mr. Dupuy de Lôme.

No. 269.]

DEPARTMENT OF STATE,

Washington, June 26, 1897.

SIR: Referring to the conversation which the Assistant Secretary, Mr. Day, had the honor to have with you on the 8th instant, it now becomes my duty, obeying the direction of the President, to invite, through your representation, the urgent attention of the Government of Spain to the manner of conducting operations in the neighboring island of Cuba.

By successive orders and proclamations of the Captain-General of the island of Cuba, some of which have been promulgated while others are known only by their effects, a policy of devastation and interference with the most elementary rights of human existence has been established in that territory tending to inflict suffering on innocent noncombatants, to destroy the value of legitimate investments, and to extinguish the natural resources of the country in the apparent hope of crippling the insurgents and restoring Spanish rule in the island.

No incident has so deeply affected the sensibilities of the American people or so painfully impressed their Government as the proclamations of General Weyler, ordering the burning or unroofing of dwellings, the destruction of growing crops, the suspension of tillage, the devastation of fields, and the removal of the rural population from their homes to suffer privation and disease in the overcrowded and ill-supplied garrison towns. The latter aspect of this campaign of devastation has especially attracted the attention of this Government, inasmuch as several hundreds of American citizens among the thousands of concentrados of the central and eastern Provinces of Cuba were ascertained to be destitute of the necessities of life to a degree demanding immediate relief, through the agencies of the United States, to save them from death by sheer starvation and from the ravages of pestilence.

From all parts of the productive zones of the island, where the enterprise and capital of Americans have established mills and farms, worked in large part by citizens of the United States, comes the same story of interference with the operations of tillage and manufacture, due to the systematic enforcement of a policy aptly described in General Weyler's bando of May 27 last as "the concentration of the inhabitants of the rural country and the destruction of resources in all places where the instructions given are not carried into effect." Meanwhile, the burden of contribution remains, arrears of taxation necessarily keep pace with the deprivation of the means of paying taxes, to say nothing of the destruction of the ordinary means of livelihood, and the relief held out by another bando of the same date is illusory, for the resumption of industrial pursuits in limited areas is made conditional upon the payment of all arrears of taxation and the maintenance of a protecting garrison. Such relief can not obviously reach the numerous class of

concentrados, the women and children deported from their ruined homes and desolated farms to the garrison towns. For the larger industrial ventures, capital may find its remedy, sooner or later, at the bar of international justice, but for the labor dependent upon the slow rehabilitation of capital there appears to be intended only the doom of privation and distress.

Against these phases of the conflict, against this deliberate infliction of suffering on innocent noncombatants, against such resort to instrumentalities condemned by the voice of humane civilization, against the cruel employment of fire and famine to accomplish by uncertain indirection what the military arm seems powerless to directly accomplish, the President is constrained to protest, in the name of the American people and in the name of common humanity. The inclusion of a thousand or more of our own citizens among the victims of this policy, the wanton destruction of the legitimate investments of Americans to the amount of millions of dollars, and the stoppage of avenues of normal trade—all these give the President the right of specific remonstrance; but in the just fulfillment of his duty he can not limit himself to these formal grounds of complaint. He is bound by the higher obligations of his representative office to protest against the uncivilized and inhumane conduct of the campaign in the island of Cuba. He conceives that he has a right to demand that a war, conducted almost within sight of our shores and grievously affecting American citizens and their interests throughout the length and breadth of the land, shall at least be conducted according to the military codes of civilization.

It is the President's hope that this earnest representation will be received in the same kindly spirit in which it is intended. The history of the recent thirteen years of warfare in Cuba, divided between the two protracted periods of strife, has shown the desire of the United States that the contest be conducted and ended in ways alike honorable to both parties and promising a stable settlement. If the friendly attitude of this Government is to bear fruit it can only be when supplemented by Spain's own conduct of the war in a manner responsive to the precepts of ordinary humanity and calculated to invite as well the expectant forbearance of this Government as the confidence of the Cuban people in the beneficence of Spanish control.

Accept, etc.,

JOHN SHERMAN.

No. 9.

*The Minister Plenipotentiary of His Majesty in Washington to the
Minister of State.*

[Translation.]

WASHINGTON, July 2, 1897.

EXCELLENCY: Referring to my dispatch No. 155, of the 28th of June last, with which I transmitted to your excellency a literal copy and translation of the note which, under date of the 26th of the same month, the Secretary of State addressed to me, I have the honor to forward to your excellency copy of the note which I sent yesterday to the aforesaid Secretary acknowledging receipt of his.

In writing it, I have reaffirmed the views which on different occasions I have expressed to the Assistant Secretary, Mr. Day, stating

them in conformity with the telegraphic instructions from your excellency in terms which I have believed the most appropriate and which I hope will merit your excellency's high approval.

Dios, etc.,

ENRIQUE DUPUY DE LÔME.

[Inclosure.—Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, June 30, 1897.

MR. SECRETARY: I had the honor, on Monday morning, to receive the note which your excellency was pleased to address to me under date of the 26th instant.

Availing myself of the first mail, I transmitted said note to His Majesty's Government, in order that, having full knowledge thereof, it might duly consider it and answer it in a suitable manner.

As your excellency refers, in the opening portion of your note, to the conference which I had the honor to have, on the 8th instant, with Assistant Secretary Day, allow me, on my own responsibility, and without anticipating the views of His Majesty's Government, to repeat what I had the honor to say on that occasion, and what I have said on others, and to protest against the partiality and exaggeration of the information which is sent to the United States Government, and which is doubtless the cause of the attitude that it has now assumed.

In the first place, allow me to say that the evils of every war, and the horrors that accompany it, which are always exaggerated by passion until they have been carefully sifted by the historian, are unfortunately much more exaggerated in the case of a civil war, as is shown by that which devastated this Republic for four years, and in which so many charges were made by the contending parties against each other, and so many were made against both by prejudiced foreigners. Allow me further to say that the sufferings and hardships of the noncombatants have been mainly due to the system and the policy pursued by the insurgents when they invaded the central and western Provinces. They then burned crops, destroyed dwellings, and set fire to the towns which they found without garrisons, and compelled all loyal persons, or those who did not sympathize with them and aid them, to seek refuge in the forts which surrounded the cities.

A calm and impartial examination of the situation would, beyond a doubt, show that an immense majority of the so-called reconcentrados who are suffering the consequences of the abandonment of their homes and the destruction of their means of existence took refuge in the towns long before the general in chief issued, as an indispensable military measure of defense, the order which has been so severely criticised in the United States, the method of execution of which order, and the consequences to which it gives rise, being little different from the hardships attending a blockade or siege of a city, these being measures to which nations, however humane and civilized they may be, have recourse whenever they are afflicted by a war.

These hardships, however, although they are much to be regretted, have been greatly exaggerated for a purpose which it is easy to understand.

Your excellency will doubtless remember all that has been said concerning the sufferings of American citizens, the large number of them that were said to be living in Cuba, and the privations which they were said to be suffering, and yet when the question was examined in a practical way and the supplies voted by Congress were distributed, in spite of the fact that they were not given alone to

those who could be considered as wholly without means, General Lee, consul-general at Habana, stated that not more than \$10,000 were needed to aid destitute American citizens, both native and naturalized.

The hardships which are said to be suffered by peninsular and insular Spaniards who, fleeing from the insurgent bands or obeying the decrees of the Government, have taken refuge in fortified towns are quite as much exaggerated as those which American citizens in Cuba are said to be suffering.

The authorities of the island of Cuba took measures, from the first moment, to protect the reconcentrados. If the latter had worked energetically to better their condition they would not have suffered the privations which many are suffering. In view of their apathy, other measures were not long since adopted, among them the construction of public works on a large scale—railways and wagon roads—in order to give work to a large number of persons, and to form committees of all elements of society for the purpose of organizing aid and inciting the needy to work.

The evils which we all deplore will not, however, disappear until the advent of that peace which is so earnestly desired by Spain, and which His Majesty's Government is doing so much to secure.

Not to mention the military measures and the political action represented by the ample reforms which have been promulgated, His Majesty's Government generously offers and grants pardon and oblivion to all who return to their homes from the insurgent camps. Insurgents are surrendering every day, and they are all pardoned; a few days ago the Government decreed the return to their homes of more than 130 persons who had been deported for being implicated in the insurrection, and it is only waiting for circumstances to permit it to amplify its amnesties and pardons.

If the American people, to whose philanthropic sentiments reference is made in your excellency's note of June 26, understood, from a dispassionate examination of this question, that the insurrection lives for evil only, and, instead of encouraging it by holding out the fallacious hope of assistance, which is the basis of all its trust, would counsel peace; if, instead of aiding and abetting the violations of law which are constantly committed by the Cuban emigrants organized here for the purpose of making war upon a nation friendly to the United States, they would aid the Federal Government in its efforts to prevent the departure of filibustering expeditions, which render this long and desolating war possible, all the evils would very soon cease which are deplored by His Majesty's Government and by all Spaniards, as well as by the President and people of the United States.

I avail, etc.,

E. DUPUY DE LÔME.

Honorable JOHN SHERMAN,

Secretary of State of the United States,

Etc., Etc., Etc.

No. 10.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Translation.]

SAN SEBASTIAN, August 4, 1897.

EXCELLENCY: With your excellency's dispatch No. 155, of the 28th of June last, I received copy and translation of the note which,

under date of the 26th of the aforesaid month, the Secretary of State addressed to you, setting forth general considerations touching the way in which, from his point of view, the war in Cuba is conducted.

The Government of His Majesty has taken careful note of the contents of the aforesaid document and, although it does not doubt the friendly feelings nor the thoroughly humanitarian spirit by which it is animated, according to the express declarations of the note itself and still more by several subsequent notes, it is surprised that the warmth of the style does not always correspond with such intentions. This must be caused by incorrect reports received by the Washington Cabinet, which reports have been received as true in an atmosphere affected by sentiments opposed to the lawful sovereignty of Spain in Cuba and aggravated by the exaggeration of sufferings and evils unhappily inherent in every state of war, and still more so in the case of civil or insurrectional struggles, which always assume a character of passion and genuine fanaticism.

The views of the North American Government have, however, not been an utter surprise to His Majesty's Government, as, even in the Peninsula itself, some of its political adversaries have allowed themselves to be misled in their opinions by similar errors. But the exaggeration in some cases and the evident incorrectness in others, which have served as a ground, in this case, for censuring the Madrid Cabinet and its authorities in Cuba, are plainly shown the moment we examine what has occurred with regard to the sufferings which the system of concentration of the rural population is claimed to have caused the North American citizens. The Secretary of State supposes, in his note, that among the thousands of Spanish reconcentrados who have been compelled to transfer their abode from the country to the towns and fortified inclosures there are hundreds of North Americans who, owing to the want of the means of subsistence, have had to be assisted by their Government; and yet its own official experience could have shown it the great mistake in the reports relative to this point, since, when the time arrived for the distribution of the sums voted by the Federal Parliament at the request of the President of the Republic, its consuls found hardly any North American citizens actually in need, to such an extent that at the time that the Secretary of State addressed you the note of June 26 they had only succeeded in using among them \$6,000 of the \$50,000 appropriated for that benevolent object, including the amount appropriated for bringing them home. The very men who reported the evil were, therefore, those who were called upon to correct the mistake, since, upon investigating the evil closely, they were finally compelled to admit, in obedience to the irresistible force of facts, that there had been much more imagination

than reality in the reports. The case of the said concentrated North Americans applies perfectly to the other suppositions in Mr. Sherman's note to which I am replying, and if it were possible to make an official verification of the whole of it, like that which was made in the case of the apportionment of the assistance, the injustice of the charges which are made would be rendered equally evident.

It can not be denied, it is true, that interests are injured, sufferings caused, and the normal conditions of labor and property changed by General Weyler's proclamations, as they would be by all others issued in similar cases by generals in the field, but this is owing to the imperative duties arising from circumstances; and they are likewise animated by a truly humane purpose—that of putting as speedy an end as possible to the struggle by securing the complete submission of the insurgents, and, as its consequence, the reestablishment of the law wrongfully disturbed by them. The object of some of these proclamations is to deprive the rebels of the means which they employ in the prosecution of their plans; others are intended to protect the inhabitants of the country who are loyal to Spain from the outrages, misery, and robberies to which they are subjected by the rebels, by the express orders of their commanders; and both objects are equally lawful and necessary, although in their application they may, as has been said, injure certain private interests, as these must everywhere and always be subordinated to the superior claims of the community and the State.

All civilized countries which, like Spain at present, have found themselves under the harsh necessity of resorting to arms to crush rebellions, not always so evidently unjustifiable as that of Cuba, proceed and have proceeded in the same manner. In the United States itself, during the war of secession, recourse was had to concentrations of peaceable inhabitants, to seizures and confiscation of property, to the prohibition of commerce, to the destruction of all agricultural and industrial property, particularly of cotton and tobacco, without the safeguard of their foreign flags, in the case of the important factories of Roswell, for instance, sufficing to save them; to the burning of entire cities; to the ruin and devastation of immense and most fertile regions—in short, to the destruction of all the property of the adversary, to the abolition of constitutional rights by the total suspension of the writ of habeas corpus, and to the development of a military and dictatorial system which, in the States opposed to the Union, lasted many years after the termination of the bloody contest.

There are found at every step, not only in the most reliable historians, including North American patriots—the staunch champions of the Union—but also in the official documents published in Wash-

ington and in the reports and memoirs published by the illustrious generals who conquered, orders, measures of severity, and acts of destruction not only similar to, but even more severe than, those which General Weyler has found himself forced to issue in Cuba.

Hunter's and Sheridan's invasion of the valley of the Shenandoah, of which it was said, to show its total ruin, that "if a crow wants to fly down the valley he must carry his provisions with him" (Draper, Vol. III, p. 408); the expedition of General Sherman, that illustrious and respected general, through Georgia and South Carolina; the taking of Atlanta and the subsequent expulsion of noncombatants—women and children—and their concentration at remote distances; the shootings at Palmyra; the burning of Columbia; the horrors connected with the treatment of the prisoners and peaceable suspects who were confined together in the warehouses and prisons at Richmond and Danville, and, more particularly, in the prisons at Andersonville, where, according to official data, more than 12,000 perished; and many other incidents of that horrible struggle, that genuine contest of Titans which put the wisdom and vigor of the North American people to so severe a test, furnish an eloquent, though mournful, example of the distressing but unavoidable severity which accompanies war, even when it is carried on by armies educated in a Republic and directed, from the summit of the civil power and the military command, by personalities so famous, so honored, and so devoted to duty and human liberty as Lincoln and Grant.

The invincible General Sherman explained on various occasions the supreme justice of these acts, and in perusing his memoirs and the official reports which he addressed to the directing council of war at Washington are found remarkable statements as to the severity with which it is necessary to proceed against the enemy to make the operations of the military forces efficient and successful. "War is war," said this able General, "and the tremendous responsibility for civil wars rests upon their authors and upon those who are their direct or indirect instruments." And when replying to the city council of Atlanta this wise leader also said:

You can not condemn war with more horror than I; war is cruelty personified,
 * * * but I shall not recoil from any sacrifice until I have brought it to an end.
 * * * The Union must maintain its authority to the extent of its ability. If it yields it is lost, and that is not the will of the nation. Recognize the Union and the authority of the National Government, and then this army which is now devastating your fields, houses, and roads for military purposes will be your protector.

Lofty and patriotic views, which His Majesty's Government does not hesitate to appropriate and to apply to Cuba.

It may well be—and His Majesty's Government hastens to admit it—that, in spite of the reliability of the sources from which the foregoing statements relative to the war of secession have been drawn, there may be some exaggeration in them, too; but in that case that very fact would prove the danger of forming a settled opinion as to matters equally important without seeking to inform ourselves of the facts, and trusting merely to the reports of others, however truthful they may appear.

We can well understand, however, that the sad spectacle now presented by the Great Antilla should excite the compassion of the North American people, because war is, always has been, and always will be, from its very nature, a fearful calamity, capable of arousing the pity of all who call themselves lovers of humanity; but it would be the grossest injustice, injustice of which the noble people and Government of the United States can not be guilty, to lay the blame on Spain, who is confining herself to the exercise of her rights, which is, at the same time, an imperative and sacred duty—that of combating the insurrection, the sole cause of the calamities to which the island is subjected. Nor can the devastation of its landed wealth, unless we close our eyes to the evidence, be attributed to the Spanish authorities as their own peculiar system; it was the insurgents that, in obedience to the instructions of their principal leader, Maximo Gomez, began by burning sugar-cane plantations and destroying the cane mills, making extensive use of dynamite for this purpose and for the destruction of the railroads, and boasting that they would carry desolation and ruin everywhere. They were the ones, also, who reduced these cruel practices to a system, and destroyed even the cattle, the basis of subsistence, if they found more than they needed at the time—all this in the vain hope of inducing Spain to abandon the island upon seeing it in ashes and incapable of furnishing her with supplies of any kind, as if right and honor were of no importance in the eyes of civilized nations. In a circular of Maximo Gomez, dated Sancti-Spiritus, November 6, 1895, it was ordered that the sugar mills should be entirely destroyed, their sugar cane and the outbuildings burned, and their railroads torn up; that any laborer lending the assistance of his arms to the sugar mills should be considered a traitor; and that the penalty of death should be inflicted upon all who failed to execute these atrocities. Not less than 120 mills (bateyes) suffered the terrible consequences of this atrocious order. If we add to this the blowing up of bridges and trains, the systematic dispersion of their bands, without ever fighting for victory and honor, and, above all, the use of explosive projectiles, which civilization and international conventions repudiate, the inhuman procedure of the rebels will be fully shown.

Moreover, we must bear in mind that this system of the total destruction of Cuban property has always been advocated by the filibustering junta at New York, composed, in great part, of naturalized North Americans, and that this very junta has issued the most cruel orders; so that, by a most amazing coincidence, the authors of the admittedly abominable devastation which, according to the Secretary of State, has so greatly aroused the sympathies of the North American people are citizens of the Union and organizations working without hindrance in its bosom. Even the atrocious proclamation of Maximo Gomez was mainly, in order that it might come to the knowledge of all who could carry it into effect, promulgated without violation of the North American territory. If the lawfully established authorities, emanating from a sovereignty which has never been disputed by any nation on the earth, have occasionally inflicted severe punishment upon the rebels, let it be remembered that they were guilty under the law; and even in spite of this they have now for a long time been treated as if they were prisoners captured in a lawful war, except where they have been proved guilty of atrocious civil crimes, particularly that of burning private property. At all events, in view of the enormous havoc caused by the rebel forces, who are chiefly occupied in making bonfires of the Cuban plantations, the chief source of Cuba's former immense production and exportation, the material injury that may have been caused by the execution of General Weyler's proclamations amounts to very little. A comparison of the damage done by both parties would show the great excess of that caused by the rebels, even without taking into consideration the fact that that which resulted from the proclamations was the consequence of necessary precautionary measures due to the importance, both for foreign and domestic interests, of putting a speedy end to the struggle and of preventing the inhabitants of the country from being compelled, against their will, to serve as instruments of rebellion. Perhaps, in the first moments of the concentration, there may have been unintentional neglect on the part of the authorities and the commanders of columns, which rendered the situation of those concentrated worse than was actually necessary; but that is all a thing of the past. The situation has since been gradually improving—so much so that complaints on the part of those injured have almost entirely ceased. The peaceable inhabitants themselves admit that, in the meantime, the behavior of the Spanish soldiers toward them has been as humane as possible, as they greatly lessened the unavoidable discomforts and sufferings of the concentration by sharing with them their own food and shelter. Sublime traits of this character might be cited and proved on the part of the

common soldiers, who are always ready to lend their aid to persons who present themselves of their own accord, who come in great numbers, and to the persons who have been concentrated, when in want of the necessary food, cadaverous and almost naked, owing to the horrible life of privation which they had been living among the rebels. Actions of this character and of public notoriety can not be ignored because cases of exceptional severity have occasionally occurred between the numerous irregular troops who follow our flag, composed of natives of the country and of Spaniards who have been settled there for many years, and the rebels, as the war has on their part a more intestine and civil character, and the passions are, consequently, more aroused on both sides. As the rebellion is gradually subdued, as is certainly the case, the Spanish authorities are considerably diminishing the cruel nature of the war, which is every day becoming less bloody.

In short, there is no real foundation for the charges of deliberate inhumanity and excessive cruelty which are made against our army, and which His Majesty's Government is forced to repel as gratuitous and undeserved; and it asserts roundly that nothing more has been done or is done in Cuba than to make application, much to its regret, with the severity required by circumstances, of the harsh laws of war, in the same way or perhaps with more leniency than has been observed in their application by the most civilized countries of Europe and America, not excepting the United States.

In the meantime, far from attempting to impose itself upon Cuba by the exclusive force of arms and from maintaining a systematic attitude of uncompromising stiffness, His Majesty's Government has hastened, in the midst of the fratricidal struggle, to amend the legislation of the island in the most decentralizing and expansive sense to the end that it may enjoy such an organization as will enable it to govern itself in the administrative department, subject to the immutable sovereignty of Spain. With these views, and as soon as circumstances permitted, thanks to the success achieved by the energetic action of our troops in Pinar del Rio and the other central Provinces, the annoying but necessary disturbance caused by the proclamations of the commander in chief has been quieted; more extensive belts of cultivation have been established; means have been supplied; work has been furnished by the development of the public works; general and partial amnesties, tending to restore the normal state of things, have been decreed; those who have repented have been generously received, and those whom it was necessary, for political reasons, to remove from their homes in the beginning have been gradually sent back to them—all in the hope of securing, as was done at the close of the previous war, by degrees,

as peace is reestablished and at no distant day, the prosperity of the island by means of the rapid development of its agricultural wealth.

His Majesty's Government and his representative in Cuba expect to persevere in this system, sincerely and firmly resolved to establish, as speedily as possible and with all its consequences, the new régime now already in force by the law of the Kingdom, and upon which depend at this time all the results anticipated from the complete termination of the war.

In view of this true state of things, the Washington Cabinet will doubtless see that the truly humane and reasonable course, and that most in conformity with the just doctrine advocated in successive friendly Presidential proclamations, is to cooperate, by adequate means, in the noble and lofty task in which Spain is engaged, by an active and energetic opposition to the assistance which the rebellion is receiving from some of the citizens of the United States, and by putting an end to the existence of the public and organized direction which it receives from there, and without which the rebellion would long ago have been entirely subdued by arms. This, and no other, is the course which, in the opinion of the Spanish Government, is pointed out by humanity, properly understood, in order to put an end, within a short time, to the calamities which are oppressing Cuba; and it is, moreover, the only one consistent with the sense and meaning of the first article of the treaty of 1795, which stipulated a solid and inviolable peace and sincere friendship between the Spanish and North American peoples, without excepting persons or places.

By royal order I state the foregoing to your excellency, in order that you may make answer, in the terms set forth, to Mr. Sherman's note of the 26th of June.

Dios, etc.,

THE DUKE OF TETUÁN.

NO. II.

The Minister Plenipotentiary of His Majesty in Washington to the Minister of State.

[Telegram.—Translation.]

LENOX, September 6, 1897.

I complied with the royal order of August 4 on the 26th of that month. My note was delivered at the Department Monday, the 30th.

DUPUY.

No. 12.

The Minister Plenipotentiary of His Majesty in Washington to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, September 16, 1897.

We are in a period of great calm, which presages well for the Cuban question. Neither the arrival of Lee in the United States, nor the arrival of the new minister from the States there [in Spain], nor the return of the President of the Republic to Washington for some days has agitated public opinion, notwithstanding the effort of the Herald and other newspapers, on account of the silence of the prudent and influential. The recommencement of negotiations is a sure warrant that all kinds of questions will be avoided, great pressure being brought upon McKinley in order that he may not permit any agitation. This I am assured by a person here of great wealth and influence, and I have verified it from other sources. Mr. Day made to the press to-day the following declaration:

There is no occasion for any sensational reports regarding the new representative from the United States to Spain. His mission is highly pacific.

DUPUY.

No. 13.

The Minister Plenipotentiary of the United States to the Minister of State.

SAN SEBASTIAN, SPAIN, September 23, 1897.

(See Foreign Relations, 1898, p. 568.)

No. 14.

The Minister of State to the representatives of His Majesty abroad.

[Circular telegram.—Translation.]

MADRID, October 14, 1897.

The new Ministry, presided over by Señor Sagasta, has just taken the oath before His Majesty, being constituted as follows: Pardon and Justice, Groizard; Treasury, López Puigcerver; Government, Ruiz Capdepón; War, Lieut. Gen. D. Miguel Correa; Navy, Rear-Admiral Bermejo; Colonies, Moret; and State, he who has the pleasure of signing.

GULLÓN.

No. 15.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *October 17, 1897.*

General Blanco, appointed Governor and Captain-General of Cuba, will sail on the 19th for his destination. I am sure your excellency will maintain with said authority the most friendly and cordial relations. I shall thank you to inform me of the political conditions of that country [the United States] and of the effect which the change of Spanish Ministry has exercised upon it.

GULLÓN.

No. 16.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *October 19, 1897.*

Received your excellency's telegram. You may count that General Blanco will have my most loyal and complete cooperation. I shall report to your excellency upon the matter which you ask me to investigate regarding political conditions here. To-day they are much disturbed because of the November elections, which oblige the Government to say nothing that might produce ill feeling or lose votes. Upon the change of Spanish Ministry the press declared, by an official communication, that the President of the Republic could do no less than await the development of the announced policy, which he noted with satisfaction and believed would make more simple the relations between both countries. Since that nothing has been said publicly. The "separatists" and those who talk of purchase are making desperate efforts to win public opinion, which to-day those who are opposed to them do not counteract by reason of the elections to which I have referred. To-day I shall see Assistant Secretary Day, who conducts the Cuban question directly with the President, and in speaking to him of current matters I shall have, without doubt, a conversation to transmit to your excellency.

DUPUY.

No. 17.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *October 20, 1897.*

By conversation with Day, and with other important individuals, I have become once more convinced that the President of the Republic has his hands tied by reason of internal affairs. Until the elections are over he will not say or do anything that might injure his party before the masses. Afterwards, the result of the elections will influence his manner of procedure. It is indubitable that to-day he is trying to have the solution of the Cuban question effected in a way that will result in triumph for his personal politics. I spoke at length with Assistant Secretary of State Day, and although he bears himself in absolute reserve, for fear of being compromised, he told me enough for me to understand that the attitude of the Department has changed from aggression to expectancy. He told me that the best solution would be to accept what is proposed in the note, reply to which he awaits. I answered that I could not discuss a document whose context, even, I did not know.

DUPUY.

No. 18.

The Minister of State to the Minister Plenipotentiary of the United States.

(See Foreign Relations, 1898, p. 582, October 23, 1897.)

No. 19.

The Under Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Translation.]

MADRID, *October 23, 1897.*

YOUR EXCELLENCY: By royal order communicated through the Minister of State, I inclose, for your excellency's information in a strictly confidential character, copy of the note which the minister plenipotentiary of the United States addressed to His Majesty's Government on the 23d of last September, and copy of the reply thereto made to-day.

Dios, etc.,

JOSÉ G. DE AGÜERA.

No. 20.

The Minister Plenipotentiary of the United States to the Minister of State.

(See Foreign Relations, 1898, p. 595, October 30, 1897.)

No. 21.

The Minister of State to the Minister Plenipotentiary of the United States.

(See Foreign Relations, 1898, p. 596, November 3, 1897.)

No. 22.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, November 3, 1897.

Estrada Palma has published a statement denying that the autonomy that is offered is effective. Also there has been published in many newspapers extracts from an essay by Mr. Taylor upon the situation, in which may be seen all his extreme views and the discontent felt in Madrid, and, at the same time, it clearly shows his effort to win here a political position and his displeasure at not having accomplished anything that should advance his position.

In spite of this, my views are optimistic, and I believe that many emigrants will have to return to Cuba, thus quitting the junta.

DUPUY.

No. 23.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, November 12, 1897.

I accompanied Señor Canalejas to-day to greet the President. He received us very affably and stated that he observed with satisfaction the development of events, expressing to us his confidence that, as the measures continue to produce results, all motive for rancor will disappear, and assuring us of his love of peace and of his desire to maintain cordial relations with Spain. He insists that he is opposed to all acts of filibustering, saying that if he had proof of any faults committed by federal employees they would be chastised immediately.

DUPUY.

No. 24.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *November 14, 1897.*

The reports in the last cable of your excellency satisfy me regarding the disposition of the President, which disposition I desire to see corroborated later by acts and by the text of his next message. Yesterday Woodford confirmed your statement, saying that he had a special direction from McKinley to express to the Spanish Government the complacency with which it saw the measures adopted in Cuba.

GULLÓN.

No. 25.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *November 25, 1897.*

The situation continues improving; our cause is making progress in prudent public opinion, but it will continue expectant until the publication of the decree. The projected note, replying to that of your excellency, is not definitively drafted, but will be in a day or so. A copy has been promised me. The message is always held in reserve until the moment it is read, but its general tone will be favorable, doing justice to the policy and purposes of the Government of His Majesty and stating that time must be allowed for their development.

DUPUY.

No. 26.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *November 26, 1897.*

— The Gaceta of to-day publishes decrees concerning the equalization of laws and adoption of an electoral law under universal suffrage. It will publish to-morrow a decree, signed by His Majesty, granting autonomy. This truly autonomous constitution provides that the islands of Cuba and Porto Rico shall be governed and administered by an insular parliament, divided into two chambers, and a Governor-General, representing the Home Government, who shall exercise supreme authority.

The chambers shall be denominated administrative council and house of representatives. The administrative council shall consist of 35 individuals—17 elective and 18 life appointments made by the Governor-General in the name of the King. To be a councilor one must be Spanish, 35 years of age, born in Cuba or inhabiting the island four years previously, and possessing 4,000 pesos income, aside from other requisites respecting offices heretofore exercised. Representatives need only to be Spanish, above majority, born or living four years in Cuba, and laymen. One shall be elected for each 25,000 inhabitants. The election shall be for five years.

The chambers shall meet each year. It is the duty of the King, and in his name of the Governor-General, to convoke, suspend, and dissolve them—with the obligation of convoking them anew in three months. Councilors and representatives shall enjoy immunity.

The insular parliament shall receive the oath of the Governor-General; shall enact colonial statutes; shall make effective the responsibility of the secretaries of department; and shall address the Central Government, through the Governor-General, in asking the annulment, modification, or enactment of laws of the Kingdom. It shall legislate upon matters relating to departments of pardon and justice, government, treasury, and interior, in its three aspects of public works, instruction, and agriculture. It shall enact laws for the administrative organization, the division of the insular territory, in municipal, judicial, and sanitary matters, and public credit, banks, and a monetary system. The estimate of local expenditures and receipts belongs to it, and to vote receipts to pay sovereign expenditures which shall be determined every three years by the Cortes of the Kingdom. The insular formation of the tariff and designation of export and import duties belongs also to the insular parliament. The two governments, central and insular, shall make up a list of articles, Peninsular and Antillan, to which, by common accord, shall be conceded a differential duty over similar foreign products. This duty shall not exceed 35 to 100. If in drawing up the lists they shall not be in conformity, the differing points shall be submitted to a committee of delegates of the Kingdom, formed in equal parts of Cubans and Peninsulars.

The Governor-General acts in the name of the King, taking oath before the supreme colonial government. As the representative of the central power, he commands the military forces, being empowered by the Departments of State, War, Navy, and Colonies. He may suspend publication of the laws of the Kingdom if he deems it advisable. As insular chief of administration he sanctions and publishes colonial statutes. If he believes it is required by the national constitution, or by the interests of the State or colony,

before sanctioning the laws, he may transmit them to the Council of Ministers of the Kingdom, which shall resolve the matter within two months. If, within that period, the Central Government does not act, the Governor-General shall sanction and promulgate them, in accord with the insular parliament. Moreover, he shall freely appoint secretaries of department, who shall be five in number: Pardon and justice and government, interior, public instruction, public works and communications and agriculture, industry and commerce. No order of the Governor-General shall be valid without the signature of the secretary of the department which is held responsible. Only in three cases may the Governor-General proceed without a hearing of the secretaries of the department: (1) in remitting to the Central Government the advice of the insular parliament; (2) to put into effect a law for public order; (3) to order the enforcement of laws of the Kingdom.

The municipal and provisional régime is autonomous and may freely appoint alcaldes and mayors. All decisions relative to municipal debts or loans shall, when a third of the councilors ask it, be submitted to a popular vote.

In order to put into effect this régime as soon as possible, the Governor-General shall appoint secretaries of department, and, with them, shall govern the colony until the colonial constitutional parliament meets.

The Cortes of the Kingdom shall determine the division of the debt.

GULLÓN.

No. 27.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, November 29, 1897.

The publication of the decrees, according to the assertion of the Herald, has once more convinced the President of the Republic of the sincerity of the efforts to give to Cuba a real autonomy. It says that, although the partisans of the insurrection in Congress will try to provoke discussion they are more liberal than might have been expected. All the well-informed persons with whom I have spoken, here and in New York, consider the decrees highly satisfactory and hope for much good from them.

DUPUY.

No. 28.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *November 30, 1897.*

We have no reason to doubt the favorable disposition of the President of the United States and of his Government, since the important acts of the present Spanish Ministry, adopted to carry out its programme, and since the conduct of Blanco in Cuba. But, the 6th of December drawing near, it is important to know, concretely, not only whether the message will meet our expectations, but also what will be the attitude of the President and whether he is resolved to limit the discussions of Congress in the event such discussions are violent or extreme.

GULLÓN.

No. 29.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *December 2, 1897.*

My own opinion, adduced from conversation and observations, is that the political situation has never been better, nor my mission easier, since May, 1895, and, as I am informed, all motive for irritation has disappeared. I believe that the message will be pacific and satisfactory, except for some phrases to meet the opinion of extremists. Having always believed that the agitation was a consequence and not a cause of the events in Cuba, and having never believed, in thirty-one months past, that belligerency would be declared or that rupture of relations would be provoked by the United States, much less do I believe it now. Nor do I believe that the President of the Republic will have to restrain or limit Congressional action, because such action will not take place, unless something unforeseen occurs.

DUPUY.

No. 30.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Translation.]

WASHINGTON, *December 6, 1897.*

MOST EXCELLENT SIR: I have the honor to transmit herewith to your excellency the message which the President of this Republic

addressed to Congress upon the opening of that body to-day, at 1 o'clock, in the Capitol.

Dios, etc.,

ENRIQUE DUPUY DE LÔME.

[Inclosure.]

Extracts from the message of the President of the United States, Mr. McKinley, on December 6, 1897, relative to the Cuban insurrection.

The most important problem with which this Government is now called upon to deal pertaining to its foreign relations concerns its duty toward Spain and the Cuban insurrection. Problems and conditions more or less in common with those now existing have confronted this Government at various times in the past. The story of Cuba for many years has been one of unrest; growing discontent; an effort toward a larger enjoyment of liberty and self-control; of organized resistance to the mother country; of depression after distress and warfare and of ineffectual settlement to be followed by renewed revolt. For no enduring period since the enfranchisement of the continental possessions of Spain in the Western Continent has the condition of Cuba or the policy of Spain toward Cuba not caused concern to the United States.

The prospect from time to time that the weakness of Spain's hold upon the island and the political vicissitudes and embarrassments of the Home Government might lead to the transfer of Cuba to a continental power called forth, between 1823 and 1860, various emphatic declarations of the policy of the United States to permit no disturbance of Cuba's connection with Spain unless in the direction of independence or acquisition by us through purchase; nor has there been any change of this declared policy since upon the part of the Government.

The revolution which began in 1868 lasted for ten years despite the strenuous efforts of the successive peninsular governments to suppress it. Then as now the Government of the United States testified its grave concern and offered its aid to put an end to bloodshed in Cuba. The overtures made by General Grant were refused and the war dragged on, entailing great loss of life and treasure and increased injury to American interests, besides throwing enhanced burdens of neutrality upon this Government. In 1878 peace was brought about by the truce of Zanjón, obtained by negotiations between the Spanish commander, Martínez de Campos, and the insurgent leaders.

The present insurrection broke out in February, 1895. It is not my purpose at this time to recall its remarkable increase or to characterize its tenacious resistance against the enormous forces massed against it by Spain. The revolt and the efforts to subdue it carried destruction to every quarter of the island, developing wide proportions and defying the efforts of Spain for its suppression. The civilized code of war has been disregarded, no less so by the Spaniards than by the Cubans.

The existing conditions can not but fill this Government and the American people with the gravest apprehension. There is no desire on the part of our people to profit by the misfortunes of Spain. We have only the desire to see the Cubans prosperous and contented, enjoying that measure of self-control which is the inalienable right of man, protected in their right to reap the benefit of the exhaustless treasures of their country.

The offer made by my predecessor in April, 1896, tendering the friendly offices of this Government failed. Any mediation on our part was not accepted. In brief the answer read: "There is no effectual way to pacify Cuba unless it begins with the actual submission of the rebels to the mother country." Then only could Spain act in the promised direction, of her own motion and after her own plans.

The cruel policy of concentration was initiated February 16, 1896. The productive districts controlled by the Spanish armies were depopulated. The agricultural inhabitants were herded in and about the garrison towns, their lands laid waste, and their dwellings destroyed. This policy the late Cabinet of Spain justified as a necessary measure of war and as a means of cutting off supplies from the insurgents. It has utterly failed as a war measure. It was not civilized warfare. It was extermination.

Against this abuse of the rights of war I have felt constrained on repeated occasions to enter the firm and earnest protest of this Government. There was much of public condemnation of the treatment of American citizens by alleged illegal arrests and long imprisonment awaiting trial or pending protracted judicial proceedings. I felt it my first duty to make instant demand for the release or speedy trial of all American citizens under arrest. Before the change of the Spanish Cabinet in October last twenty-two prisoners, citizens of the United States, had been given their freedom.

For the relief of our own citizens suffering because of the conflict the aid of Congress was sought in a special message, and under the appropriation of April 4, 1897, effective aid has been given to American citizens in Cuba, many of them at their own request having been returned to the United States.

The instructions given to our new minister to Spain before his departure for his post directed him to impress upon that Government the sincere wish of the United States to lend its aid toward the ending of the war in Cuba by reaching a peaceful and lasting result, just and honorable alike to Spain and to the Cuban people. These instructions recited the character and duration of the contest, the widespread losses it entails, the burdens and restraints it imposes upon us, with constant disturbance of national interests, and the injury resulting from an indefinite continuance of this state of things. It was stated that at this juncture our Government was constrained to seriously inquire if the time was not ripe when Spain of her own volition, moved by her own interests and every sentiment of humanity, should put a stop to this destructive war and make proposals of settlement honorable to herself and just to her Cuban colony. It was urged that as a neighboring nation, with large interests in Cuba, we could be required to wait only a reasonable time for the mother country to establish its authority and restore peace and order within the borders of the island; that we could not contemplate an indefinite period for the accomplishment of this result.

No solution was proposed to which the slightest idea of humiliation to Spain could attach, and, indeed, precise proposals were withheld to avoid embarrassment to that Government. All that was asked or expected was that some safe way might be speedily provided and permanent peace restored. It so chanced that the consideration of this offer, addressed to the same Spanish Administration which had declined the tenders of my predecessor and which for more than two years had poured men and treasure into Cuba in the fruitless effort to suppress the revolt, fell to others. Between the departure of General Woodford, the new envoy, and his arrival in Spain the statesman who had shaped the policy of his country fell by the hand of an assassin, and although the Cabinet of the late Premier still held office and received from our envoy the proposals he bore, that Cabinet gave place within a few days thereafter to a new Administration, under the leadership of Sagasta.

The reply to our note was received on the 23d day of October. It is in the direction of a better understanding. It appreciates the friendly purposes of this Government. It admits that our country is deeply affected by the war in Cuba and that its desires for peace are just. It declares that the present Spanish Government is bound by every consideration to a change of policy that should satisfy

the United States and pacify Cuba within a reasonable time. To this end Spain has decided to put into effect the political reforms heretofore advocated by the present Premier, without halting for any consideration in the path which in its judgment leads to peace. The military operations, it is said, will continue but will be humane and conducted with all regard for private rights, being accompanied by political action leading to the autonomy of Cuba while guarding Spanish sovereignty. This, it is claimed, will result in investing Cuba with a distinct personality; the island to be governed by an executive and by a local council or chamber, reserving to Spain the control of the foreign relations, the army and navy, and the judicial administration. To accomplish this the present Government proposes to modify existing legislation by decree, leaving the Spanish Cortes, with the aid of the Cuban senators and deputies, to solve the economic problem and properly distribute the existing debt.

In the absence of a declaration of the measures that this Government proposes to take in carrying out its proffer of good offices it suggests that Spain be left free to conduct military operations and grant political reforms, while the United States for its part shall enforce its neutral obligations and cut off the assistance which it is asserted the insurgents receive from this country. The supposition of an indefinite prolongation of the war is denied. It is asserted that the western Provinces are already well-nigh reclaimed, that the planting of cane and tobacco therein has been resumed, and that by force of arms and new and ample reforms very early and complete pacification is hoped for.

The immediate amelioration of existing conditions under the new administration of Cuban affairs is predicted, and therewithal the disturbance and all occasion for any change of attitude on the part of the United States. Discussion of the question of the international duties and responsibilities of the United States as Spain understands them is presented, with an apparent disposition to charge us with failure in this regard. This charge is without any basis in fact. It could not have been made if Spain had been cognizant of the constant efforts this Government has made at the cost of millions and by the employment of the administrative machinery of the nation at command to perform its full duty according to the law of nations. That it has successfully prevented the departure of a single military expedition or armed vessel from our shores in violation of our laws would seem to be a sufficient answer. But of this aspect of the Spanish note it is not necessary to speak further now. Firm in the conviction of a wholly performed obligation, due response to this charge has been made in diplomatic course.

Throughout all these horrors and dangers to our own peace this Government has never in any way abrogated its sovereign prerogative of reserving to itself the determination of its policy and course according to its own high sense of right and in consonance with the dearest interests and convictions of our own people should the prolongation of the strife so demand.

Of the untried measures there remain only: Recognition of the insurgents as belligerents; recognition of the independence of Cuba; neutral intervention to end the war by imposing a rational compromise between the contestants; and intervention in favor of one or the other party. I speak not of forcible annexation, for that can not be thought of. That by our code of morality would be criminal aggression.

Recognition of the belligerency of the Cuban insurgents has often been canvassed as a possible if not inevitable step both in regard to the previous ten years' struggle and during the present war. I am not unmindful that the two Houses of Congress in the spring of 1896 expressed the opinion by concurrent resolution that a condition of public war existed requiring or justifying the recognition of a state of belligerency in Cuba, and during the extra session the Senate voted a joint reso-

lution of like import, which however was not brought to a vote in the House of Representatives. In the presence of these significant expressions of the sentiment of the legislative branch it behooves the Executive to soberly consider the conditions under which so important a measure must needs rest for justification. It is to be seriously considered whether the Cuban insurrection possesses beyond dispute the attributes of statehood which alone can demand the recognition of belligerency in its favor. Possession, in short, of the essential qualifications of sovereignty by the insurgents and the conduct of the war by them according to the received code of war are no less important factors toward the determination of the problem of belligerency than are the influences and consequences of the struggle upon the internal polity of the recognizing state.

The wise utterances of President Grant in his memorable message of December 7, 1875, are signally relevant to the present situation in Cuba and it may be wholesome now to recall them. At that time a ruinous conflict had for seven years wasted the neighboring island. During all those years an utter disregard of the laws of civilized warfare and of the just demands of humanity, which called forth expressions of condemnation from the nations of Christendom, continued unabated. Desolation and ruin pervaded that productive region, enormously affecting the commerce of all commercial nations, but that of the United States more than any other by reason of proximity and larger trade and intercourse. At that juncture General Grant uttered these words, which now as then sum up the elements of the problem:

"A recognition of the independence of Cuba being, in my opinion, impracticable, and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest. In a former message to Congress I had occasion to consider this question, and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. * * * It is possible that the acts of foreign powers, and even acts of Spain herself, of this very nature, might be pointed to in defense of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule, which has been its guide, of doing only that which is right and honest and of good report. The question of according or of withholding rights of belligerency must be judged in every case, in view of the particular attending facts. Unless justified by necessity, it is always, and justly, regarded as an unfriendly act and a gratuitous demonstration of moral support to the rebellion. It is necessary, and it is required, when the interests and rights of another government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war.

"Belligerence, too, is a fact. The mere existence of contending armed bodies, and their occasional conflicts, do not constitute war in the sense referred to. Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power, when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other states, with courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of territory as to take the contest out of the category of a mere rebellious insurrection, or occasional skirmishes, and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it.

"The contest, moreover, is solely on land; the insurrection has not possessed itself of a single seaport whence it may send forth its flag, nor has it any means of communication with foreign powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the consular officers of other powers, calls for the definition of their relations to the parties to the contest. Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature as I regard it to be, at present, indefensible as a measure of right.

"Such recognition entails upon the country according the rights which flow from it difficult and complicated duties, and requires the exaction from the contending parties of the strict observance of their rights and obligations. It confers the right of search upon the high seas by vessels of both parties; it would subject the carrying of arms and munitions of war, which now may be transported freely and without interruption, in vessels of the United States to detention and to possible seizure; it would give rise to countless vexatious questions, would release the parent Government from responsibility for acts done by the insurgents, and would invest Spain with the right to exercise the supervision recognized by our treaty of 1795 over our commerce on the high seas, a very large part of which, in its traffic between the Atlantic and the Gulf States, and between all of them and the States on the Pacific, passes through the waters which wash the shores of Cuba. The exercise of this supervision could scarce fail to lead, if not to abuses, certainly to collisions perilous to the peaceful relations of the two States. There can be little doubt as to what result such supervision would before long draw this nation. It would be unworthy of the United States to inaugurate the possibilities of such result, by measures of questionable right or expediency, or by any indirection."

Turning to the practical aspects of a recognition of belligerency and reviewing its inconveniences and positive dangers, still further pertinent considerations appear. In the code of nations there is no such thing as a naked recognition of belligerency unaccompanied by the assumption of international neutrality. Such recognition without more will not confer upon either party to a domestic conflict a status not theretofore actually possessed or affect the relation of either party to other States. The act of recognition usually takes the form of a solemn proclamation of neutrality which recites the *de facto* condition of belligerency as its motive. It announces a domestic law of neutrality in the declaring state. It assumes the international obligations of a neutral in the presence of a public state of war. It warns all citizens and others within the jurisdiction of the proclaimant that they violate those rigorous obligations at their own peril and can not expect to be shielded from the consequences. The right of visit and search on the seas and seizure of vessels and cargoes and contraband of war and good prize under admiralty law must under international law be admitted as a legitimate consequence of a proclamation of belligerency. While according the equal belligerent rights defined by public law to each party in our ports disfavors would be imposed on both, which, while nominally equal, would weigh heavily in behalf of Spain herself. Possessing a navy and controlling the ports of Cuba her maritime rights could be asserted not only for the military investment of the island but up to the margin of our own territorial waters, and a condition of things would exist for which the Cubans within their own domain could not hope to create a parallel; while its creation through aid or sympathy from within our domain would be even more impossible than now, with the additional obligations of international neutrality we would perforce assume.

The enforcement of this enlarged and onerous code of neutrality would only be influential within our own jurisdiction by land and sea and applicable by our own

instrumentalities. It could impart to the United States no jurisdiction between Spain and the insurgents. It would give the United States no right of intervention to enforce the conduct of the strife within the paramount authority of Spain according to the international code of war.

For these reasons I regard the recognition of the belligerency of the Cuban insurgents as now unwise and therefore inadmissible. Should that step hereafter be deemed wise as a measure of right and duty the Executive will take it.

Intervention upon humanitarian grounds has been frequently suggested and has not failed to receive my most anxious and earnest consideration. But should such a step be now taken when it is apparent that a hopeful change has supervened in the policy of Spain toward Cuba? A new Government has taken office in the mother country. It is pledged in advance to the declaration that all the effort in the world can not suffice to maintain peace in Cuba by the bayonet; that vague promises of reform after subjugation afford no solution of the insular problem; that with a substitution of commanders must come a change of the past system of warfare for one in harmony with a new policy which shall no longer aim to drive the Cubans to the "horrible alternative of taking to the thicket or succumbing in misery;" that reforms must be instituted in accordance with the needs and circumstances of the time, and that these reforms, while designed to give full autonomy to the colony and to create a virtual entity and self-controlled administration, shall yet conserve and affirm the sovereignty of Spain by a just distribution of powers and burdens upon a basis of mutual interest untainted by methods of selfish expediency.

The first acts of the new Government lie in these honorable paths. The policy of cruel rapine and extermination that so long shocked the universal sentiment of humanity has been reversed. Under the new military commander a broad clemency is proffered. Measures have already been set on foot to relieve the horrors of starvation. The power of the Spanish armies it is asserted is to be used not to spread ruin and desolation but to protect the resumption of peaceful agricultural pursuits and productive industries. That past methods are futile to force a peace by subjugation is freely admitted, and that ruin without conciliation must inevitably fail to win for Spain the fidelity of a contented dependency.

Decrees in application of the foreshadowed reforms have already been promulgated. The full text of these decrees has not been received, but as furnished in a telegraphic summary from our minister are: All civil and electoral rights of peninsular Spaniards are, in virtue of existing constitutional authority, forthwith extended to colonial Spaniards. A scheme of autonomy has been proclaimed by decree, to become effective upon ratification by the Cortes. It creates a Cuban parliament which, with the insular executive, can consider and vote upon all subjects affecting local order and interests, possessing unlimited powers save as to matters of state, war, and the navy, as to which the Governor-General acts by his own authority as the delegate of the Central Government. This parliament receives the oath of the Governor-General to preserve faithfully the liberties and privileges of the colony, and to it the colonial secretaries are responsible. It has the right to propose to the Central Government, through the Governor-General, modifications of the national charter and to invite new projects of law or executive measures in the interest of the colony.

Besides its local powers it is competent, first, to regulate electoral registration and procedure and prescribe the qualifications of electors and the manner of exercising suffrage; second, to organize courts of justice with native judges from members of the local bar; third, to frame the insular budget both as to expenditures and revenues, without limitation of any kind, and to set apart the revenues to meet the Cuban share of the national budget, which latter will be voted by the

National Cortes with the assistance of Cuban senators and deputies; fourth, to initiate or take part in the negotiations of the National Government for commercial treaties which may affect Cuban interests; fifth, to accept or reject commercial treaties which the National Government may have concluded without the participation of the Cuban government; sixth, to frame the colonial tariff, acting in accord with the Peninsular Government in scheduling articles of mutual commerce between the mother country and the colonies. Before introducing or voting upon a bill, the Cuban government or the chambers will lay the project before the Central Government and hear its opinion thereon, all the correspondence in such regard being made public. Finally, all conflicts of jurisdiction arising between the different municipal, provincial, and insular assemblies, or between the latter and the insular executive power, and which from their nature may not be referable to the Central Government for decision, shall be submitted to the courts.

That the Government of Sagasta has entered upon a course from which recession with honor is impossible can hardly be questioned; that in the few weeks it has existed it has made earnest of the sincerity of its professions is undeniable. I shall not impugn its sincerity, nor should impatience be suffered to embarrass it in the task it has undertaken. It is honestly due to Spain and to our friendly relations with Spain that she should be given a reasonable chance to realize her expectations and to prove the asserted efficacy of the new order of things to which she stands irrevocably committed. She has recalled the commander whose brutal orders inflamed the American mind and shocked the civilized world. She has modified the horrible order of concentration and has undertaken to care for the helpless and permit those who desire to resume the cultivation of their fields to do so and assures them of the protection of the Spanish Government in their lawful occupations. She has just released the *Competitor* prisoners heretofore sentenced to death and who have been the subject of repeated diplomatic correspondence during this and the preceding Administration.

Not a single American citizen is now in arrest or confinement in Cuba of whom this Government has any knowledge. The near future will demonstrate whether the indispensable condition of a righteous peace, just alike to the Cubans and to Spain as well as equitable to all our interests so intimately involved in the welfare of Cuba, is likely to be attained. If not, the exigency of further and other action by the United States will remain to be taken. When that time comes that action will be determined in the line of indisputable right and duty. It will be faced without misgiving or hesitancy in the light of the obligation this Government owes to itself, to the people who have confided to it the protection of their interests and honor, and to humanity.

Sure of the right, keeping free from all offense ourselves, actuated only by upright and patriotic considerations, moved neither by passion nor selfishness, the Government will continue its watchful care over the rights and property of American citizens and will abate none of its efforts to bring about by peaceful agencies a peace which shall be honorable and enduring. If it shall hereafter appear to be a duty imposed by our obligations to ourselves, to civilization and humanity to intervene with force, it shall be without fault on our part and only because the necessity for such action will be so clear as to command the support and approval of the civilized world.

No. 31.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *December 8, 1897.*

The greater part of the newspapers—among them many who have constantly demanded intervention in Cuban matters—compliment the message of the President of the Republic, and consider its tone very conservative and its tendency pacific, which will assure security to the country by not bringing on a crisis. The decided partisans of the insurrection, such as the *Journal* and the *Sun*, attack the message violently. Although there is much in it that is annoying, it is explicable in view of the sentiment of the Congress. To the Democrats and opponents of the President the message has seemed without force. Taylor, now in Mobile, publishes a rabid statement attacking the President, qualifying the message as egotistical and heartless, cold and cynical; calling those who fight in the jungle heroes, and saying that nothing has been shown to prove their incapacity to govern themselves; and, after much discussion, clearly showing his partiality and spite, he says that the message is the most short-sighted and discreditable of the United States. I believe that this declaration, and that of the Cuban League, which was also a protest against the message, explain the true reason for the political attitude of this Government.

DUPUY.

No. 32.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *December 16, 1897.*

The silence of your excellency during the past six days permits the Spanish Government to entertain confidence in the attitude and disposition of the President and his Cabinet, ignoring the reports that new expeditions are preparing, and other announcements, without doubt transmitted by the filibusters, concerning hostile intentions of the United States. It is important, however, that your excellency shall report what you know concerning the approaching departure of the American squadron for the Gulf of Mexico and the opinion that is formed of the probable trend of the discussions in Congress.

GULLÓN.

No. 33.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *December 16, 1897.*

There is absolute quiet and lack of news. The President of the Republic and Day went away on the 6th—as soon as the message was read—and did not return until to-day. The greater part of the Cabinet, and with them the Assistant Secretary of State, attended the funeral of the mother of the President. Congress has been occupied with local matters, except a proposition of one Allen, which is without significance. On Saturday, the 18th, the Congress will adjourn for the holidays until the 5th of January, according to agreement reached to-day. Decision to send the fleet was reached some time ago; it resumes the drill practice which had been suspended during the past two winters, in order not to arouse excited public sentiment; and its purpose is also to demonstrate that the situation has improved and to avoid a demand for one or more boats to go to Cuba. My opinion has not changed in any respect. So long as a government is not formed in Cuba, and until the decrees are put into effect, the situation must remain expectative. I consider the situation good, and the decision taken last night by the Democratic minority of the House to place themselves on the side of the insurgents is advantageous, because it will mean united opposition to the Republicans and the Government. The press scarcely concerns itself with the Cuban question. I think that the position for us to assume is one of reserve, until the first insular government is formed.

DUPUY.

No. 34.

The Minister of the United States to the Minister of State.

No. 43.]

MADRID, *December 20, 1897.*

EXCELLENCY: In further reply to the note which your excellency addressed to me on the 23d of October last, I have now the honor to state that I communicated to my Government the full text thereof, together with copies of the manifesto issued by the Liberal party of Spain, through its honored chief, Señor Sagasta, on the 24th of June last, and to which manifesto your excellency referred in evidence of the consistent and sincere purposes of reform which animate the existing Government of His Majesty.

The President now instructs me to inform your excellency that the Government at Washington has given that extended considera-

tion which their importance demands, not only to your note itself, but also to the remarkable and earnest declarations which such manifesto contains of the principles and purposes of the Liberal party, now intrusted with the Government of Spain. During the very time that these matters have been receiving the careful consideration of my Government, the President has observed with peculiar satisfaction the encouraging signs which come to him alike from the Peninsula, from Cuba, and from the honored representative of Spain at Washington, of the singleness and earnestness of purpose wherewith His Majesty's Government and its responsible agents in Cuba are laboring to bring about an instant and permanent change in those conditions in that island which have so long distressed the Government and the people of the United States.

For these reasons my Government, in directing this response to the note of your excellency, recognizes its duty to consider the questions involved, not merely in the light of assertion and argument, but also in the presence of attendant facts, so that it may render due justice to the sentiments and course of Spain in this conjuncture.

The President is gratified to note that the Spanish Government appreciates at its just value the vital interest which the Government and people of the United States have and feel in the prompt cessation of the Cuban struggle. This struggle, as your excellency observes, although it be for Spain more painful and costly than for any other state, is also of importance and prejudicial to the American nation, alike because the disasters of such a civil strife are so nearly felt and because of the losses occasioned to our commerce, our industries, and the property of our citizens by an indefinite continuance of a contest of this character. When I addressed my communication to your distinguished predecessor in office, on the 23d of September last, the destinies of Spain and of Cuba were controlled by a Government which, during nearly two years and a half, had been engaged in the fruitless endeavor to reduce the revolted Cubans to subjection by sheer force of arms and not by the legitimate resorts of war as understood in our day, or, indeed, by the means defined by all publicists since international law came into being.

The methods employed were destructive to every rational interest of Spain and Cuba, and injurious to every association that links both Spain and Cuba to the outside world. Its aim appeared to be, not the conservation of the fairest dependency of Spain under conditions of contentment and prosperity, but to conquer the peace of the desert and the tomb. It behooved my Government at that time to rest the case of the United States, not alone upon the sentiments

of humanity, but also upon the material considerations importing irremediable injury to paramount national interests, should such disastrous state of things continue. The history of civilized nations shows that such sentiments and such considerations have constrained the suffering on-lookers to mediation, and even intervention, when longer forbearance has ceased to be a virtue. The action of my Government rested no less upon moral and legal right than upon the all-controlling sentiment of humanity. Its friendly forbearance was testified by thus approaching anew that same Peninsular Government which has repelled our kindly overtures in the past. It was even then fervently hoped that this repeated offer might be heeded in the spirit of sincere friendship which prompted it, and might gain in weight and in acceptability by the circumstances that an added year of ineffectual war in Cuba had demonstrated the futility of the policy theretofore decreed by the Spanish Government, and that it was proffered by a new Administration, which had taken office in the United States under conditions imposing upon the Executive the onerous responsibility of adopting a definite policy toward Spain and toward the Cuban war.

It is a gratifying augury that the consideration of our fresh proposals should have fallen to a Government which, by its liberal antecedents, by its views and convictions in regard to the conduct of the war formed and expressed while in opposition and out of power, and by its declared pledges of amelioration and reform in the mutual interest of Cuba and of Spain, was so well fitted to understand the true motives of our conduct and the earnestly impartial friendliness that prompted our course. Under such circumstances it has not been for a moment apprehended that the just grounds of our representations to Spain could be misconstrued or controverted. The record of the Liberal party and the stand taken by its leaders, with the indorsement of its rank and file, were an assurance that such would not be the case, and the President is gratified that the event has justified the accuracy and wisdom of this forecast.

The Government of the United States appreciates fully all the embarrassments which must necessarily surround an administration new to office, assuming the complex functions of government at an hour of grave national peril, and inheriting from its predecessor the disastrous legacy of an internal conflict the conditions of which had been embittered by the harsh and futile methods in which the war had been conducted. The President understands that the reversal of all that had been done is no sudden growth to spring up in a single night, and that the fair structure of a just and permanent and prosperous peace for Cuba is to be raised with thoughtful care and

untiring devotion if Spain is to succeed in the accomplishment of the tremendous task upon which she has entered. He comprehends that the plan, however broadly outlined, must be wrought out in progressive detail, and that upon assured foundations—upon the rock of equity and not upon the shifting sands of selfish interest—must be builded, stone by stone, the enduring fabric of regenerated Cuba.

He sees this broadly outlined plan in the declarations of the present Spanish note, which announces that, in fulfillment of the resolute purpose to draw closer with the ties of true affection the bonds which unite the motherland with its provinces beyond the seas, it has been determined to put into immediate practice the political system sketched by the present President of the Council of Ministers in his manifesto of June 24; that this involves joining to military operations, uninterrupted, energetic, and active as circumstances may demand, but ever humanitarian and careful to respect all private rights as far as may be possible, political action frankly leading to the autonomy of the colony in such wise that under the guaranty of Spain shall arise the new administrative entity which is to govern itself in all affairs peculiar to itself by means of an insular council and parliament; that such institution of true self-government shall give to the Cubans their own local government whereby they shall be at one and the same time the initiators and regulators of their own life, while remaining within the integral nationality of Spain; and that to realize these ends of peace with liberty and self-government the mother country will not fail to lend in due season the moral and material means in aid of the Antillean provinces by cooperating toward the reestablishment of property, the development of the island's inexhaustible sources of wealth, and by specially promoting public works and material interests which shall bring prosperity in the train of restored peace.

In taking this advanced position the Government of Spain has entered upon a pathway from which no backward step is possible. Its scope and magnitude may not be limited by the necessarily general and comprehensive character of the formula whereby it is announced. The outcome must be complete and lasting if the effort now put forth is to be crowned with full success and if the love and veneration of an ever faithful and happy people are to reward the sacrifices and endeavors of Spain. No less is due to Cuba; no less is possible for Spain herself.

The first acts of the new Government of Spain lie in the laudable paths it has laid out for its own guidance. The policy of devastation and extermination that so long shocked the universal sentiment of humanity has already been signally reversed, and the President

has been informed by the Spanish minister at Washington of the measures proclaimed by the new commander in chief of the Spanish arms in Cuba, whereby immediate relief is extended to the unhappy reconcentrados, fresh zones of cultivation are opened to them, employment upon the estates permitted, transportation furnished them, and protective boards organized for their succor and care. He is likewise advised that by a recent decree of the Governor-General the resumption of agricultural operations and the harvesting of crops shall be promoted and efficiently protected by all possible means, civil as well as military. He learns that the grinding of cane and the renewal of industrial operations in the interior districts is to be continually and effectively encouraged, especially in respect to those impoverished estates which, through the destruction of crops, the prohibition of labor, the deportation of their tenants, the withdrawal of military protection, and the enforced cessation of their revenues, have incurred increased areas of taxation. He hears with profound gratification that the new commander has proffered broad amnesty to participants in the insurrection, and that the scope of this clemency is to be even further enlarged to cover those convicted of political offenses.

The Madrid Government has promulgated its scheme of home rule for Cuba. The President awaits the outcome with encouragement and hope, without committing his Government to the details of the plan itself, the scope and effects of which must remain to be judged by their realization. In all these things the President cheerfully realizes that the new Government of Spain has already given earnest of the sincerity of its professions and evidence of its conviction that past methods are and must needs be futile to enforce a peace by subjugation without concessions adequate to remedy admitted evils, and that such methods must inevitably fail to win for Spain the fidelity of a contented people. With such convictions unhesitatingly expressed, with such a herculean task before her, so humanely and so auspiciously begun, Spain may reasonably look to the United States to maintain an attitude of benevolent expectancy until the near future shall have shown whether the indispensable condition of a righteous peace, just alike to the Cubans and to Spain, as well as equitable to American interests so intimately bound up in the welfare of the island, is realized. It is the sincere hope and desire of the President that such a condition of lasting benefit to all concerned may soon be brought about. He would most gladly share in the belief expressed in the Liberal manifesto of June 24 that the speedy and energetic application of the principles and governmental measures therein advocated will be powerful to stay the course of the evils that have afflicted Spain and to bring her near to the pacification of her colonies.

After making these declarations touching the proclaimed policy of the Liberal Government of Spain toward Cuba and the measures already adopted and to be forthwith devised to render that policy effective, your excellency takes up that part of my note of September 23d last which states that the President feels it his duty to make the strongest possible effort to contribute effectively toward peace, and your excellency remarks that my note makes no suggestion of the means of which the President might avail himself to attain that end. My omission of such suggestion is sufficiently explained in my concluding statements that the President had no desire to embarrass the Spanish Government by formulating precise proposals as to the manner in which the assistance of the United States could be effectively rendered, and that all that was asked or expected was that some safe way might be provided for action which the United States could undertake with justice and self-respect, so that the settlement should be a lasting one, honorable and advantageous to Cuba and equitable to the United States, to which ends my Government offered its most kindly offices. For the realization of this friendly offer I invited an early statement of some proposal under which that tender of good offices might become effective, or in lieu thereof satisfactory assurances that peace in Cuba would, by the efforts of Spain, be promptly secured.

The assurances tendered by your excellency on behalf of the Liberal Government of Spain lie in the line of this latter alternative.

Your excellency's note is silent as to the manner and form in which the Government of the United States might exert its good offices. Your excellency limits yourself to suggesting coincident but separate action by the two Governments, each in its domestic sphere, whereby, as your excellency says, "Spain shall continue to put forth armed efforts, at the same time decreeing the political concessions which she may deem prudent and adequate, while the United States exerts within its borders the energy and vigilance necessary to absolutely prevent the procurement of the resources of which from the beginning the Cuban insurrection has availed itself as from an inexhaustible arsenal." And thereupon your excellency proceeds to discuss at some length the supposed shortcomings of the United States as to the manner of fulfilling the neutrality laws in the territory of the Union, and as to the scope and sufficiency of those laws. This labored arraignment could scarcely fail to be received with mingled pain and sorrow by a Government which, like that of the United States, inspired by the highest sense of friendly duty, has for nearly three years endured almost insupportable domestic burdens, poured forth its treasure by millions,

and employed its armed resources for the full enforcement of its laws and for the prevention and repression of attempted or actual violation thereof by persons within its jurisdiction.

Your excellency appears to be unaware of the magnitude of the task which my Government has performed and is still performing, with the single purpose of doing its whole duty in the premises. Since June, 1895, our ships of war have without intermission patrolled the Florida coast. At various times the *Raleigh*, *Cincinnati*, *Amphitrite*, *Maine*, *Montgomery*, *Newark*, *Dolphin*, *Marblehead*, *Vesuvius*, *Wilmington*, *Helena*, *Nashville*, *Annapolis*, and *Detroit* have been employed on this service. Starting with one ship, having Key West as its headquarters, the number on continuous duty was gradually increased to four, without counting the additional service performed as special occasion demanded at other seaboard points. One vessel, with headquarters at Pensacola, patrols the coast from the northwest as far south as Tampa; another, with headquarters at Key West, patrols the coast from Tampa around Miami on the east side; and a third, with headquarters at Jacksonville, patrols the Atlantic coast from Miami to Georgia. The action of these regularly stationed ships is at all times concerted. Their commanders are ordered to communicate directly with one another, with the United States district attorneys in Florida, with the custom-house officials in that State, and with the commanding officers of the several revenue cutters likewise on duty in that quarter. Acting upon the information thus received, they take such immediate action as they may deem advisable or necessary in order to prevent the violation of the neutrality laws.

In addition to this stated detail on the Florida coast, vessels belonging to the North Atlantic Station have been sent at different times to the various Atlantic ports north of Georgia at the request of the Spanish minister and the Department of State, or upon receipt of information from the Department of Justice or the Treasury Department concerning reported filibustering expeditions. Many hundreds of official letters and telegrams record the orders given to these vessels and the action had by their commanders. Every vessel of the American Navy which could practically be employed in the shallow waters of the Florida coast has been detailed for this work, while for a time two revenue cutters were transferred to the Navy Department to assist, besides the efficient and constant cooperation of the regularly stationed cutters under the orders of the Treasury Department.

No less degree of activity has marked the operations of the Treasury Department and the Department of Justice. Every means at lawful command has been employed by them in cooperation to

enforce the laws of the United States. Alertness in every regard has been peremptorily enjoined upon all officials, high and low, and has been sedulously practiced by them.

In the light of these indisputable facts, and with this honorable record spread before him, the President is constrained to the conviction that nothing can be more unwarrantable than the imputation by the Government of Spain that the Government of the United States has in any wise failed to faithfully observe and enforce its duties and obligation as a friendly nation.

In this relation it may be proper—if not, indeed, imperative—to inquire what those obligations are.

It is to be borne in mind that Spain has so far insisted that a state of war does not exist between that Government and the people of Cuba, and that Spain is engaged in suppressing domestic insurrection, which does not give her the right, which she so strenuously denies to herself, to insist that a third nation shall award to either party to the struggle the rights of a belligerent or exact from either party the obligations attaching to a condition of belligerency.

It can not be denied that the United States Government, whenever there has been brought to our attention the fact or allegation that a suspected military expedition has been set on foot or is about to start from our territories in aid of the insurgents, has promptly used our civil, judicial, and naval forces in prevention and suppression thereof. So far has this extended and so efficient has my Government been in this regard that, acting upon information from the Spanish minister, or from the various agencies in the employ of the Spanish legation, vessels have been seized and detained in some instances when subsequent investigation showed that they were engaged in a wholly innocent and legitimate traffic. By using our naval and revenue marine in repeated instances to suppress such expeditions the United States has fulfilled every obligation of a friendly nation. Inasmuch as Spain does not concede, and never has conceded, that a state of war exists in Cuba, the rights and duties of the United States are such, and only such, as devolve upon one friendly nation toward another in the case of an insurrection which does not arise to the dignity of recognized war.

As your excellency is aware, these duties have been the subject of not infrequent diplomatic discussion between our two Governments and of adjudications in the courts of the United States, as well during the previous ten years' struggle as in the course of the present conflict. The position of the United States was very fully presented by Mr. Fish in his note of April 18, 1874, to Admiral Polo de Bernabé (Foreign Relations of the United States, 1875, p. 1178, *et seq.*):

What one power in such case may not knowingly permit to be done toward another power without violating its international duties is defined with sufficient accuracy in the statute of 1818, known as the neutrality law of the United States.

It may not consent to the enlistment within its territorial jurisdiction of naval and military forces intended for the services of the insurrection.

It may not knowingly permit the fitting out and arming or the increasing or augmenting the force of any ship or vessel within its territorial jurisdiction, with the intent that such ship or vessel shall be employed in the service of the insurrection.

It may not knowingly permit the setting on foot of military expeditions or enterprises to be carried on from its territory against the power with which the insurrection is contending.

Except in the single instance to be hereafter noticed, your excellency does not undertake to point out any infraction of these tenets of international obligation so clearly stated by Mr. Fish.

With equal clearness, Mr. Fish has stated in the same note the things which a friendly government may do and permit under the circumstances set forth:

But a friendly government violates no duty of good neighborhood in allowing the free sale of arms and munitions of war to all persons—to insurgents as well as to the regularly constituted authorities—and such arms and munitions, by which ever party purchased, may be carried in its vessels on the high seas without liability to question by any other party. In like manner its vessels may freely carry unarmed passengers, even though known to be insurgents, without thereby rendering the government which permits it liable to a charge of violating its international duties. But if such passengers, on the contrary, should be armed and proceed to the scene of the insurrection as an organized body, which might be capable of levying war, they constitute a hostile expedition which may not be knowingly permitted without a violation of international obligations.

Little can be added to this succinct statement of Mr. Fish. It has been repeatedly affirmed by decisions of our courts, notably by the Supreme Court of the United States. In the case of *Wiborg v. The United States*, 163 U. S. Reports, page 632, Mr. Chief Justice Fuller repeats with approval the charge of the trial court, in which it is said (p. 653):

It was not a crime or offense against the United States under the neutrality laws of this country for individuals to leave the country with intent to enlist in foreign military service, nor was it an offense against the United States to transport persons out of this country and to land them in foreign countries when such persons had an intent to enlist in foreign armies; that it was not an offense against the laws of the United States to transport arms, ammunition, and munitions of war from this country to any foreign country, whether they were to be used in war or not; and that it was not an offense against the laws of the United States to transport persons intending to enlist in foreign armies and munitions of war on the same trip. But (he said) "if the persons referred to had combined and organized in this country to go to Cuba and there make war on the Government, and intended when they reached Cuba to join the insurgent army and thus enlist in its service, and the arms were taken along for their use, that would constitute a military expedition, and the transporting of such a body from this country for such a purpose would be an offense against the statute."

These principles sufficiently define the neutral duties of the United States, which have been faithfully observed at great expense and with much care by my Government. If any such military expeditions have been knowingly permitted to depart, that fact is not called to the attention of my Government by your excellency's note. My Government is aware of none such.

The only instance of an alleged culpable expedition mentioned in the note of your excellency—if, indeed, it may be termed a military expedition or enterprise within the prohibition of the statute—is that of the *Silver Heels*, which is described as having “left New York in spite of the previous notification of His Majesty's legation at Washington and before the eyes of the Federal authorities.” This case was instantly investigated by the superior authority, even before any oral complaint in that regard had reached my Government from the Spanish legation. Prompt legal action was taken for the arrest and detention of the vessel. The Spanish consul at Philadelphia had come to New York, conferred with the United States authorities at that city, himself employed legal advice and private detectives, and was permitted to supervise and direct the methods of procedure. At his request, and against the judgment of the United States authorities, the vessel was not seized at her wharf, and thereafter succeeded in leaving her pier and getting to sea. The *Silver Heels* would have undoubtedly been apprehended but for the officious control of the Spanish agents, whose instructions were obeyed in the matter.

A large part of your excellency's note is devoted to the discussion of a hypothetical change of attitude toward the combatants, involving the recognition of their belligerency. As my Government, with the largest attainable knowledge of all facts and circumstances pertinent to the case, has not yet determined upon that course, I do not see that any useful purpose can be subserved by present argument upon the stated premises.

Neither do I discern the utility of discussing the circumstances under which a case might arise for considering and acting upon the thesis advanced by your excellency on the authority of the argument before the tribunal of Geneva, that it is the duty of a nation to amend its laws if inadequate for the fulfillment of its international obligations of neutrality or to offer any comment thereon. The inadequacy of our neutrality laws is not admitted, nor is it proved by Spain in the light of the precedent to which appeal is had, inasmuch as the doctrine of Geneva was only applicable and applied to the case of a public war between recognized belligerents, a case which Spain does not concede to exist in the present instance.

Whatever just and humane measures may attain to a contented and recuperative peace in Cuba can not but win our admiration, and any progress toward its attainment can not but be benevolently viewed. In this path of kindly expectancy, and inspired now as always by the high purpose of fulfilling every rightful obligation of friendship, the United States proposes to persevere so long as the event shall invite and justify that course.

I can not better close this reply to your excellency's note than by repeating and affirming the words with which I concluded my note to the Spanish Government of September 23 last, "That peace in Cuba is necessary to the welfare of the people of the United States, and that the only desire of my Government is for peace and for that sure prosperity which can only come with peace."

I avail, etc.,

STEWART L. WOODFORD.

No. 35.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, January 3, 1898.

The reconvening of Congress being so near, I should be glad if your excellency would briefly transmit to me by cable your views on the political situation.

GULLÓN.

No. 36.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, January 5, 1898.

Until to-morrow or next day it will not be possible to know what attitude the Senators and Representatives bear in returning from their districts; but I believe I shall not be mistaken in assuring your excellency that the situation has not varied in any way from what I have set forth to your excellency—namely, complete abstention from our matters. Our situation is bettering every day by this calm, since they are becoming less accustomed to discuss the subject.

DUPUY.

No. 37.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, January 13, 1898.

It is probable that the recent events in Habana, of which your excellency will have knowledge, are communicated to the Government and press of the United States with much exaggeration, in the endeavor to manufacture out of the slightest friction grounds for claims or at best an occasion for constant and noisy clamor. It would be well if previously and in an appropriate manner your excellency would exert yourself to minimize such influences and to show how abhorrent those painful events are to the Spanish Government and its intentions.

GULLÓN.

No. 38.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, January 14, 1898.

Democratic Senator Cannon, of Utah, has presented a resolution asking the President what measures have been taken to protect the lives and property of Americans in Cuba. After a brief debate, in which the Senator said that he was sure the Spanish authorities had sufficient force and would know how to maintain law and order, the resolution was passed.

DUPUY.

No. 39.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, January 14, 1898.

I am informed that the report which all the newspapers adverse to us will publish to-morrow is that the occurrence in Habana is only the beginning of greater and more serious disturbances, and that the authorities will not be able to maintain order. Being fully advised by the Governor-General, I have already done much to counteract that report. Your excellency will not be blind to the importance that the parties shall show in Cuba at this time the greatest patriotism, employing their energy against the insurrection and leaving themselves free to reconstruct the country and bring about peace, laying aside small hatreds and ill feeling.

DUPUY.

No. 40.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *January 14, 1898.*

Habana reports have produced little effect in the neighborhood of the Government. Lee's dispatches are not alarming, and, unless he requests it, no war vessel will be sent, it being untrue that an order for its departure has been given. The Journal has published an extraordinary sensation that has affected the stock exchange. The conservative newspapers try to keep public opinion within bounds. Nevertheless, I think it my duty to repeat what I have said to your excellency in private letters: the change of sentiment has been so abrupt, and our enemies, influenced by it, so numerous, that any sensational occurrence might produce a change and disturb the situation, it being necessary that there shall be great patriotism among the masses and much firmness in Cuba.

DUPUY.

No. 41.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *January 14, 1898.*

Your excellency's telegram of last night has crossed three of mine, which have explained the situation to you. The reports from Habana have not produced, outside of some extreme newspapers, all the effect your excellency feared, but they have produced loss of confidence in the future, which had been obtained with so much labor. Among the irreconcilable Cubans the occurrence has caused great rejoicing, acting under the direst illusions, and has produced deep disgust among the moderate and those disposed to accommodate differences. For public opinion to be completely tranquil here, it is essential that action shall be taken which will prevent a repetition of the events just past.

DUPUY.

No. 42.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *January 16, 1898.*

The news from Habana is not improved; if it continues it will cause the situation here to change. The sensational press is just as it was in the worst period, and the Government and Cabinet, although they have said nothing to me, seem to have lost all faith in

Spain's success, and, to some extent, to have lost tranquillity.] For what it may be worth, I believe it my duty to inform your excellency that I have just had a conference with the head of staff of the Herald, a person of importance here and generally well informed. He told me that in view of recent events the President has stated that, according to information he has received, autonomy in Cuba has come to nothing; that grave disorders are feared in Habana and throughout the island; and that, if the disorders are repeated, he had determined to land troops from the war vessels to protect the consulate. He asked me what would be done if that occurred. I told him that it would mean fighting; that Spain would never submit to what was done in Korea and Crête. This may be taken as one of many such conversations and inquiries, to which I have thus replied. At any event, it indicates a state of things that would have been impossible a week ago. The danger is that the President or public may be persuaded that a riot in Spain or Cuba could overthrow the Spanish Government and change its policy, in which case it may believe that it will succeed by a move of force as the shortest way out of the difficulty. Without wishing to alarm, I believe it my duty to state this. I feel as much confidence as ever, but I fear to be made the play of our enemies, and that, in leaving the President without a support on which to lean, he may be induced to change his policy to our danger.

DUPUY.

No. 43.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *January 17, 1898.*

There is neither ground for distrusting the success of autonomy, nor would there ever be any justification for the measures and purposes which, as possible eventualities, the chief of staff of the Herald reported to you and which your excellency has very properly considered as intolerable. General Blanco to-day reports that order is completely reestablished and yields to his efforts. Without regard to what this Government may publish and set forth from here by all the means at hand, your excellency will endeavor also to speedily make known there, possibly by conference with Day, in order to set the matter clear, that the extreme and inadmissible opinions given to your excellency by the chief of the Herald staff lack even the pretext of reason.

GULLÓN.

No. 44.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, January 19, 1898.

Replying to the telegram which I received last night, I must report to your excellency that if the acute period is past, resulting from the events in Habana, the effects are felt yet, as is shown by the debate yesterday in the House. The impulse given to jingoism must be mitigated. The American Government can not and will not now make any statement, because it feels itself powerless to do so since a part of the Congressional majority watches in the hope that something will be done in favor of the insurgents; in order to restrain it, such action has been taken as that of the maneuvers of the fleet of the United States, which produces a bad effect over there, but which here produces a result favorable to us. I have not thought it well either to-day or yesterday to speak with Day, in order to avoid a false rumor producing any effect in view of the excited state of public opinion. But I have spoken with Senator Hawley, the leader of the moderation side of the Senate, who tells me that he continues to feel confidence in his colleagues and the President. The worst result of the events in Cuba is that, as I have learned privately, it appears that General Lee has been influenced by the many Americans in Cuba and has reported to the Government that autonomy has failed, the riots of Habana giving a show of truth to that opinion.

DUPUY.

No. 45.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, January 20, 1898.

I trust that the news from Cuba will aid your excellency to dissipate the clouds which, according to your telegram of yesterday, obscure your horizon. I look for another telegram from your excellency to-morrow, Friday, and I assume that you will avail of the first appropriate occasion to intimate to that Government the inaccuracy of Consul Lee's reports and the prejudice of his conduct constantly, by reason of which we ought, in a reasonable time, to ask his transfer.

GULLÓN.

No. 46.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, January 20, 1898.

The crisis is passed in Congress. In view of Hitt's speech, whose verbosity and extreme views produced the good effect of winning over a compact majority, but which has caused a painful impression in Spain, I have to-day had a long and important conference with Day. I have presented the question to him in all its crudity, stating that if the American Government bears itself as we have a right to expect, has confidence in the success of the policy of the Spanish Government, and at the proper time clearly says that it is not aiding and will not aid the insurgents, nor intervene in questions belonging to Spain, such policy will be then in accord with that of the Government of His Majesty and will very soon result in peace in Cuba and the solution of this long and painful conflict. If, on the other hand, it continues, as it has up to this time, letting itself be swayed by superficial public opinion and believes what interested agents say, it is impossible to forecast the consequences. He promised to acquaint the President with my statements. I also said to him that the only policy that can give results is that the President shall clearly state, and cause his agents to state, that the policy which Spain follows must triumph, and make the filibustering junta understand that they must cease their operations here. There is no longer any doubt that the President of the Republic is very much impressed with Lee's statements regarding the failure of autonomy.

DUPUY.

No. 47.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, January 22, 1898.

Yesterday there was a Cabinet meeting and the report which the press gives concerning Cuba is as follows:

The Cabinet also took up the Cuban question and commented upon the general character of the reports which had been received, which are of a pacific tendency; the situation can not cause any change in the policy which the United States has followed for some time past.

DUPUY.

No. 48.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *January 24, 1898.*

I have had a long and important conference with Day, in which in the name of the President of the Republic he stated that the President has not departed in any way from the attitude set forth in the message, which left the Spanish Government in entire liberty to develop its policy.

DUPUY.

No. 49.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *January 24, 1898.*

Since my conference of this morning with Day, the latter went to see the President, and by telephone appointed 3 o'clock p. m. for me to call. I have just seen him, and he told me that the result of our conference and the reports concerning the commercial negotiations confirmed by Woodford have been so satisfactory that the President has determined to send the *Maine* to Habana as a mark of friendship, and the Secretary of the Navy would so state to the press. Day has also given a similar statement to the papers. Lee will do the same in Habana, and the representative of the United States at Madrid. Speaking of the matter, Day said that if Lee had requested a vessel for the protection of the lives and property of Americans in Habana, naturally one would have been sent; but, the occasion for that having passed, the sending of the vessel simply as a visit must be taken as an act of friendly courtesy and not looked upon in any other aspect; that the President believes it has been a mistake not to have had an American war vessel visit Cuba in the past three years, because now what is a fresh proof of international courtesy is looked upon as a hostile act. The Secretary of the Navy has given to the press the following statement:

The rumors which were current yesterday regarding the movements of the fleet and disturbances in Habana are far from having foundation. Circumstances have become so normal, the situation so quiet, and relations so cordial that our war vessels are to renew their friendly visits to Cuban ports, entering and leaving those ports to go to ports of other neighboring friendly countries. The first vessel to make a visit of this kind will be the *Maine*.

DUPUY.

No. 50.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *January 25, 1898.*

Before reading your excellency's telegram, which I have just received, I approved the terms in which you discussed the question with Day and commended the comments and protests you made to him. The attitude of that Government does not completely satisfy me, because it does not heed your excellency's request that the outcome of autonomy be awaited, nor does it publish its unalterable determination to continue in the path of peace, scorning or overcoming every agitation to the contrary which may be set in motion. Bearing in mind that the evidence of the important acts initiated and already realized by the insular government of Cuba is apparent to all, the Government of the United States ought to inaugurate toward Spain a more considerate, frank, and favorable policy than that proclaimed in the Presidential message. Until this happens and we are satisfied in regard to Lee, we shall endeavor to maintain ourselves as heretofore in the most correct path. Your excellency may also state to the United States Government that we esteem the declaration published by the Secretary of the Navy, as well as the desire to strengthen the cordial friendship which is shown by the proposed visit of the *Maine* and the announcement of other visits. We accept these demonstrations of cordiality and courtesy to the full extent of their value, and in their evident intention of remedying or overcoming the grave injustice planned by various speakers of the House. Wishing to reciprocate such friendly and courteous demonstrations, we shall arrange also that vessels of our squadron may visit the ports of the United States in passing to and from the island of Cuba.

GULLÓN.

No. 51.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *January 25, 1898.*

From my previous telegrams your excellency will see that we have again entered upon a normal situation and, in my view, the circumstances are so favorable that anything good that may occur will better the situation, as, likewise, it would place us in a difficult position should the riots in Habana be repeated. My previous

telegrams, which I have just re-read, have reflected the situation, which was growing worse from day to day. I believe that it would be considered absolute weakness, indifference, and neglect did I not protest against the propositions attributed to the American Government concerning the ordering of forces, the concentration of vessels from all points, and the statements concerning the failure of the policy of His Majesty's Government. The firmness with which I stated the case, which has fortunately been confirmed by the events in Cuba, so essential just now, shows, in my opinion, the certainty we have of triumphing and the danger which there would be in obstructing this result.

DUPUY.

No. 52.

The Minister Plenipotentiary of the United States to the Minister of State.

MADRID, January 25, 1898.

EXCELLENCY: I have received to-day a telegraphic dispatch from my Government informing me of the purpose of the United States to resume friendly naval visits to Cuban ports; and, in that view, the United States vessel *Maine* will call at the port of Habana in a day or two, adding that the consul-general of the United States has been informed telegraphically and has been instructed to arrange for a friendly interchange of calls with the authorities of Cuba.

My Government charges me, further, to advise your excellency of the friendly visit above indicated.

I avail, etc.,

STEWART L. WOODFORD.

No. 53.

The Minister of State to the Minister Plenipotentiary of the United States.

[Translation.]

PALACE, January 26, 1898.

MY DEAR SIR: Yesterday I had the honor to receive your excellency's esteemed note informing me of the telegraphic advice which you had received from your Government concerning its purpose to resume the friendly naval visits of United States vessels to Cuban ports, these visits to begin with the *Maine*, which is now at Habana.

The Government of His Majesty, appreciating the friendly character which, as your excellency courteously states, the above-indicated visits will have, has determined to reciprocate likewise by sending in a short time some of the vessels of the royal navy to the principal ports of the Union, in return for the demonstrations received and in testimony also of friendly feeling.

I avail, etc.,

PÍO GULLÓN.

No. 54.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *January 28, 1898.*

Last night the annual diplomatic dinner took place. On retiring, to take coffee, the President invited me to sit at a small table with him and the English, German, and French ambassadors, although there were nine ministers preceding me. When we arose, he approached me and said:

I see that we have only good news; I am well satisfied with what has occurred in the House, and with the discipline of the Republicans. You, who comprehend this, will understand how strong our position is and how much it has changed and bettered in the past year; you have no occasion to be other than satisfied and confident.

This sincere declaration was witnessed by all the foreign diplomats.

DUPUY.

No. 55.

The Minister of State to the Minister Plenipotentiary of the United States.

[Translation.]

MINISTRY OF STATE,
The Palace, February 1, 1898.

EXCELLENCY: In your excellency's kind and well-weighed note dated December 20 last, to which I now have the honor to reply, there are many and very diverse statements, causing great and special gratification to His Majesty's Government, remarkable for their clearness and expressiveness. Among them the following deserve special mention: Those recognizing the value and efficacy of the new principles applied to the colonial policy; those admitting the importance and conclusiveness of the information received at Washington from the Peninsula and Cuba, tending to prove the sincerity of Spain's desire and exertions for the improvement of conditions and circumstances in that island; and the explicit terms in which your excellency is pleased to say that the prosperity of the cities and the country there is being prompted by the renewal, under the best auspices, of the suspended agricultural and industrial operations. The satisfaction, however, derived from these and other similar statements, giving eloquent expression to the recognition of the irreproachable procedure of Spain, is, to a great extent, destroyed or diminished by the blame cast upon the predecessors

of the present Government, and still more so by the fact that the numerous and incredible excesses committed by the Cuban insurgents are confounded in the same category with the conduct of the regular army, which for nearly three years has given proof of its valor and discipline in the defense of indisputable rights and in the obedient fulfillment of orders and plans emanating from other departments.

Whatever may be the political views of the men constituting the present Government of Spain, they can not, without protest, permit the severe condemnation passed upon those who preceded them in power, as they think that the struggles of parties, or even the recriminations which parties may launch at each other in their constantly recurring daily disputes, should not be judged in the same manner from a distance, nor can they consent to a foreign cabinet's making use of them as a basis for its arguments or as a foundation for its views in its diplomatic relations, as they are, on the contrary, domestic matters entirely foreign to the judgment or decision of other nations.

When the present ministers advocated their own doctrines in opposition to those of their antagonists; when, in the sessions of Parliament, they opposed the colonial policy and the procedure of other parties and recommended to their fellow-citizens as more conducive to their good their own views, principles, and purposes, they never meant to make, nor can they now admit that they did make, any accusations concerning the good intentions and purposes of their predecessors, who, whatever might be their plans and methods, were certainly actuated by the most zealous patriotism.

As regards the conduct of our army, the note of August 25, 1897, must have made it evident to the candid judgment of the Washington Cabinet that the Spanish troops have never given occasion for reproaches tarnishing, either in a greater or less degree, the brilliant splendor of their history, and that if any acts, judged from a distance and separately, have given rise to complaints and lamentations on the part of some sensitive and humanitarian spirits, they have proved, when investigated subsequently with proper coolness, to have been the inevitable consequence of war and a comparatively well-restricted object lesson of the calamities and disasters which have always accompanied war in all ages and in all countries, not excepting the United States, as was shown by references of strict historical accuracy in the document to which I have just alluded.

Another idea which is repugnant to the pleasing and conciliatory views to which I have previously alluded is the one which slips out in your excellency's note to which I am replying, when you say that Spain can only reasonably expect the United States to maintain its

present attitude until it is proved by facts, within a more or less determined period, whether what your excellency calls the indispensable requisites to a peace both just to the mother country and the Great Antilla, and fair to the North American Republic, have been attained. The more deliberate, the more explicit, and the more positive the declarations with which your excellency asserts the disinterestedness and impartiality of your Government, the more positive and emphatic your declaration that the United States desires only the reign of peace, and the more expressive and earnest the congratulations with which you admit that the Spanish Government has drawn the plans and laid the foundations of a noble structure in Cuba, so much the less justifiable and so much less intelligible is the hint to which I have referred.

The Spanish Government assuredly did not admit that reasons of proximity or damages caused by war to neighboring countries might give such countries a right to limit to a longer or shorter period the duration of a struggle disastrous to all, but much more so to the nation in whose midst it breaks out or is maintained, as your excellency voluntarily admits. My note of October 23, referring to this point in general terms, proved perfectly clear that, in view of the varied and close relations between modern nations, a disturbance arising in any of them may justify the adjoining nations in expressing their anxiety for peace and in offering friendly suggestions, but never and under no circumstances foreign intrusion or interference. Such interference would lead to an intervention which any nation possessing any self-respect would have to repel by force, even if it were necessary to exhaust, in the defense of the integrity of its territory and of its independence, all—absolutely all—the resources at its disposal.

Spain would act upon these honorable principles—the only ones consistent with the national dignity—just as the United States nobly acted upon them when, in 1861, it feared that an attempt would be made to exert an influence by foreign intervention in the domestic struggle which it was then carrying on. The instructions to that effect sent by Mr. Seward, the Secretary of State, to Mr. Dayton, the minister in Paris, on the 22d of April, 1861, will serve as a guide, and will constitute a notable example for all countries which, like Spain, value their honor above all else, even to (the execution of) the declared purpose to “struggle with the whole world” rather than yield to pressure from without. (Presidents’ Messages and Documents, 1861–65, p. 200.) When I say that the Government of Spain appropriates, on this occasion, Mr. Seward’s lofty views, it will be sufficiently clear how deeply rooted in (the minds of) the Ministry of which I form a part is the conviction that the United

States, where such words have been written, will not fix a period for the termination of the present Cuban insurrection.

If such a limitation of the legitimate and immutable national sovereignty could not be permitted at any time, it must be expected less than ever when a fortunate concurrence of circumstances has enabled the present Cabinet of Madrid, while voluntarily fulfilling its engagements and carrying out, when in power, the colonial policy which it advocated when in opposition, to execute the wishes of the loyal inhabitants of Cuba, and to comply with those suggestions which the United States Government has offered repeatedly and officially as the expression of its desire or as its advice as a friend. Under these circumstances, and when the genuineness and excellence of the radical reforms granted to Cuba—which reforms have constituted, as it were, a new and most equitable body of law, the maximum of powers and initiatives to which a free colony, the mistress of its own fate, can aspire—are candidly recognized; when, in the face of innumerable difficulties, these radical reforms have been carried into effect, and when an autonomous government of its own is to-day performing its functions in the Great Antilla; when the advantages of this immense change begin to make themselves felt, it is certainly not the time for the United States Government to substitute for its former offers of its good offices hints of a change of conduct in the event of more or less remote contingencies, and to base this notification of its change not only upon the contingency of a material success, a success as independent of right as of the conduct of the party advocating the right, but upon its own estimate of the success itself, an estimate made in accordance with the opinion of any one who, at a given time, may wish to decide upon it without any other guide than his own will, and without any more impartiality than is imposed upon him by his observations or surroundings.

(At the time) when the expressive congratulations of the Washington Cabinet have been earned by our innovations; when the civil struggle in the island of Cuba is adapting itself to the most modern and humane conditions and character consistent with an active state of war, as your excellency fully and nobly admits; when, in short, even the obligations of a moral order that the most jealous prejudice can require have been fulfilled by Spain with the most scrupulous fidelity and of her own accord, there remains no reason or pretext for now discussing the duration of that struggle, which is of an exclusively domestic nature, nor for making the conduct of friendly nations dependent upon such duration, even if the progress made in overcoming the insurrection were not so evident, and if the hopes of a speedy pacification were not so well founded.

The remarkable consideration with which His Majesty's Government constantly entertains the views and doctrines of the United States Government does not suffice to induce it to accept, now or at any future period, the theory which your excellency is pleased to propound with regard to international duties, in the case of intestine rebellions, in repetition of the views expressed years ago by the illustrious Secretary of State, Mr. Fish. The Spanish Government can not consent to attach so little weight to international friendship as to render that rebellion between nations almost entirely destitute of mutual obligations, the duties which it imposes being regarded, in every case, as very inferior to those which are derived from neutrality.

This Government is of opinion, on the contrary, basing its views upon considerations of eternal ethics, that a true friend, both in the private order of private relations and in the public order of international relations, has more conventionalities to observe and more duties to fulfill than a neutral or indifferent person; and that the friendship which is founded upon international law obliges all states, to use the words of the famous South American publicist Calvo, not only to prevent their own subjects from causing injury to a friendly country, but to exert themselves to prevent any plots, machinations, or combinations of any kind tending to disturb the security of those states with which they maintain relations of peace, friendship, and good harmony from being planned in their territory.

International law does not merely oblige states to prevent their subjects from doing anything to the detriment of the dignity or interests of friendly nations or governments; it imposes upon them, in addition, the strict duty of opposing, within their own territory, all plots, machinations, or combinations of a character to disturb the security of countries with which they maintain relations of peace, friendship, and good harmony. (§ 1298, Vol. III, p. 156.)

This is the meaning of international friendship as defined by Montesquieu, when he said that nations ought to do each other as much good as possible in peace and as little harm as possible in war. (*Spirit of Laws*, Vol. I, p. 3.) And it is the meaning given by Fiore in the following words:

Every state should refrain from ordering or authorizing, in its own territory, acts of any kind tending, directly or indirectly, to injure other states, even when it is not obliged to do so by laws or treaties. (Ch. II, § 598.)

It is upon this view of international friendship that the Spanish Government bases its opinions with regard to the extension of the obligations arising or derived from such friendship in the intercourse of civilized nations, and hence the request which it has addressed to the Washington Cabinet on numerous occasions to prevent, with a firm hand, the departure of filibustering expeditions

against Cuba, and to dissolve or prosecute the junta which is sitting publicly in New York and which is the active and permanent center of attacks upon the Spanish nation, and which, from the territory of the Union, is organizing and maintaining hostilities against a country which is living in perfect peace with the United States.

His Majesty's Government could not, nor should it, analyze the language of the law of 1818, as it regards it as a law of a domestic or municipal character, the scope of which it appertains to the Federal Government alone to determine. All that it permitted itself to do, in the name of the friendship declared by the treaty of 1795, and which has been confirmed by practical demonstration through many years and many tests, was to suggest the means of rendering real and effectual those obligations which are derived from true friendship, such as the Spanish Government understands it, either by the publication of a proclamation of the same nature and as emphatic as those which illustrious predecessors of the illustrious President, Mr. McKinley, thought themselves called upon to publish under similar circumstances, or by the severe application of the regulations in force, or by their amendment or enlargement, as occurred in the act of March 10, 1838.

Nor could His Majesty's Government refer to the duties of neutrality, as it maintains with the same vigor as ever its well-founded assertion that there is no reason, nor even a semblance of reason, to justify a recognition of belligerency in the Cuban insurrection. All its remarks have been directed to the duties imposed by neighborhood and international friendship, and when it has mentioned the decision of the Geneva arbitration it did so merely as a comparison; for, if diligence must be used in the discharge of the duties of neutrality, as was decided there, no less diligence should be required in the discharge of the duties of friendship; and if defects in the laws can not be offered as an excuse in the case of the former, it would be unreasonable to admit them in the case of the latter.

The undersigned and the Government of which he forms part take sincere pleasure in recognizing the fact, as they do with genuine gratitude, that the watchfulness exercised during the last few months along the extended coasts of America has been more effectual than formerly in preventing the departure of filibustering expeditions. He is also pleased to find a reason for gratitude to the Federal Government in the skillful organization which it has given to its naval forces, in order to prevent illegal aid being sent to the Cuban rebels from the coast of Florida. Both facts prove the power and the means at the disposal of the North American Government for the fulfillment, with due energy and promptness, of the obligations of international friendship.

We can not, however, notice with indifference that there continues to be acting in New York an organization composed chiefly of naturalized North Americans who, notwithstanding, do not wish to imbibe the spirit of their recently acquired nationality nor the atmosphere of honor and friendship in which their Government breathes; who violate the laws of their new country and abuse the liberty granted them there by conspiring against the country in which they were born, thereby creating a state of hostility which disturbs the intimate and cordial relations which have so long been maintained between Spain and the United States. The principles upon which eternal law reposes, as much or more than law itself, demand the prompt suppression of that public center of conspiracy, from which every oversight is watched and every legal subterfuge is made use of to violate the so-called neutrality laws of the Republic of North America, for friendly nations have seldom or never been seen to tolerate in their midst organizations whose chief object, or rather whose only mission, consists in plotting against the integrity of the territory of another friendly nation.

The Spanish people and Government, relying upon their rights, and with the firm resolution to maintain their legitimate and traditional sovereignty in the island of Cuba at every hazard, without sparing their exertions or limiting their perseverance, hope that the United States will not only continue to observe the kindly expectancy to which your excellency refers, but that she will also cooperate by the means already mentioned and other similar ones within her own borders in the work of peace, justice, and autonomy which Spain is now carrying out with so much self-denial and perseverance, and that the United States will thus prove by more and more open and effectual acts the friendship which actuates her relations to Spain, by which course she will completely discourage the seditious and restless elements which are still sustaining the rebellion in the Great Antilla, and which are only awaiting the result of a possible collision between our two respective countries, which are called by self-interest and affection to be on good terms and to assist each other in the noble enterprises of peace, and not to wound and destroy each other in the cruel struggles of war.

The island of Cuba, as Mr. Olney freely admitted in an official note, has its life and its future bound to those of its mother country, Spain, and the act of conspiring against the perpetual union of the Pearl of the Antilles and the historical discoverer of the American continent not only reveals destructive purposes, but also involves a hopeless attempt. Cuba free, autonomous, ruled by a government of her own and by the laws which she makes for herself, subject to the immutable sovereignty of Spain, and forming an integral part of

Spain, presents the only solution of pending problems that is just to the colony and the mother country, the denouement longed for by the great majority of their respective inhabitants and the most equitable for other states. It is only in this formula of colonial self-government and Spanish sovereignty that peace, which is so necessary to the Peninsula and to Cuba and so advantageous to the United States, can be found. The Government of the Union knows this and can contribute powerfully to the attainment of the end in view by acting in accordance with what I have had the honor to say to your excellency. It will certainly do this, because justice is revered in the United States, and because the North American Republic, in conformity with its traditional principles of respect for the wish of countries to organize themselves as may best suit them, must finally admit, by acts and by declarations, that the Cuban people have a perfect right not to be disturbed by anyone, and not to have any power, near or distant, oppose their honorable and peaceful wishes, by lending aid to a turbulent minority who subordinate the interests of the immense majority of their countrymen to their own selfish purposes.

So long as the Spanish Antilles did not enjoy the right to govern themselves autonomically it might have been thought, though wrongly, that this minority represented the general views of the masses, and in the case of such a hypothetical error there would be some excuse, if not justification, for a certain amount of tolerance; but now, when the state of affairs has been cleared up, and when it has been made evident by the introduction of autonomy that the most estimable inhabitants of the island desire peace under this system, which is as liberal as they could wish, this moral and physical compulsion, exerted by revolutionary organizations which are laboring freely in the United States for an absurd, unattainable separation, contrary to right and to the interests of all, ought to cease entirely and without loss of time. Its continuation would be a violation of the liberty which is the very essence of the social and political system of North America.

It is impossible to see in the noble work of peace which has been nobly and generously undertaken in Cuba, as your excellency very truly remarks, a sudden creation which can arise in a single night; it must be regarded as a lasting and noble structure, which, to use your excellency's eloquent words, would be founded upon the rock of justice, not upon the moving sands of self-interest, and which, for its more rapid development, requires the cooperation of friends and the most scrupulous respect of foreigners.

I avail, etc.,

PIO GULLÓN.

No. 56.

The Under Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Translation.]

MADRID, *February 1, 1898.*

EXCELLENCY: By royal order communicated by the Minister of State for the due information of your excellency, and in strict confidence I inclose copy of the note which the minister plenipotentiary of the United States addressed to this Ministry under date of the 20th of December, and copy of the reply under to-day's date.

Dios, etc.,

JOSÉ G. DE AGÜERA.

No. 57.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *February 5, 1898.*

I request your excellency to communicate anything touching the movement of vessels, charging yourself to obtain on this subject data and full information, having recourse not only to your official position, but also to any personal means. At the same time I desire that, in an appropriate way and supplementing your personal views, you express on convenient occasion how much surprise has been felt by the European press and public on account of the activity and apparent concentration of naval forces of the United States in waters adjacent to Cuba and Spain.

GULLÓN.

No. 58.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *February 7, 1898.*

The opinion of various persons whom I have consulted in the last few days is that the movement of the American vessels has no other purpose than for its effect upon the jingoes, as is proved by the steadiness and security of the market and of the votes in Congress yesterday and within the past few days, refusing increase of cost for fortifications, armament, and munitions, and decreasing the appropriations asked by the Executive for that purpose. I continue in

the belief that there was a moment when this Government believed that the Spanish régime in Cuba would not succeed; but as Lee's predictions have failed, it is regaining faith and confidence. I am investigating the motive—if there is one—for the maneuver of the vessels. Now, and since the departure of the *Brooklyn* for St. Thomas and Colombia, it is reported that the *Maine*, with the *Texas*, will leave for New Orleans next week, a small cruiser taking the place of the former in Habana. The fleet at Lisbon will proceed to the north of Europe as soon as the admiral, who will substitute the present one, takes command.

DUPUY.

No. 59.

The Minister of State to the ambassadors of His Majesty in Paris, Berlin, London, Vienna, Rome, and St. Petersburg.

[Telegram.—Translation.]

MADRID, February 8, 1898.

The official situation with the United States is almost the same as it was ten days ago, but the display and concentration of naval forces near Habana and in the waters near the Peninsula (Spain), and the persistency with which the *Maine* and *Montgomery* remain in the Greater Antilles, are causing increasing anxiety, and might, through some mischance, bring about a conflict.

We are trying to avoid it at any cost, making heroic efforts to maintain ourselves in the severest rectitude.

GULLÓN.

No. 60.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, February 8, 1898.

The Journal will state to-morrow that it has a letter which I wrote to Señor Canalejas a few days after the message of McKinley, in which, in stating my opinion, I used expressions humiliating to the President of the Republic. The Journal claims that this letter was lost by Señor Canalejas and got into the possession of the junta. I believe he never received it, and that it was gotten hold of in Habana. At all events, although I do not remember the terms, it may be true, and my position here would be untenable. I notify your excellency in order that you may decide upon the course best for the Queen and Spain, without considering me in any way.

DUPUY.

No. 61.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *February 9, 1898.*

The letter (has been) published in the Journal. The Assistant Secretary of State, Mr. Day, has been to see me to ask if the letter was mine. I have replied that it was, and that, as minister from Spain, I could say nothing, but claiming right to express my opinion privately, as, with such frequency and less discretion, the American agents have done.

My position, you will see, can not be what it was before; I do not believe I can continue here.

The Department of State has given out a statement to the press that Woodford will communicate with the Government of His Majesty.

DUPUY.

No. 62.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *February 10, 1898.*

The Council of Ministers, having read your telegrams, the authenticity of the letter addressed to Señor Canalejas being confirmed by your excellency to the Assistant Secretary of State, and your excellency also recognizing the impossibility of your continuance in the office which you have so zealously filled, has just accepted the resignation presented a second time by your excellency, deciding at the same time that the first secretary shall have charge of the legation ad interim.

In regretfully communicating to your excellency this now unavoidable decision, and deeming that your excellency can not remain in Washington many hours, I desire you to give to Du Bosc the most detailed instructions possible, particularly touching the commercial treaty and other pending matters, in order that he may be the better able to discharge his ad interim duties. I again assure your excellency of the sorrow with which, for reasons relating solely to your excellency and independent of the control of the Government, I find it necessary to part with the services which your excellency had been rendering under difficult circumstances.

In accordance with your excellency's urgent initiative in view of recent incidents, and before any manifestation on the part of the

United States Government could be provoked, the acceptance of your excellency's resignation was adopted and communicated to the representative of the United States.

GULLÓN.

No. 63.

Note verbale delivered by the Minister Plenipotentiary of the United States in Madrid.

FEBRUARY 10, 1898.

EXCELLENCY: With the sincerest regret I read to your excellency the following dispatch which I received to-day from my Government in Washington:

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 9, 1898.

There has appeared in the public prints a letter, addressed early in December last by the Spanish minister to Mr. Canalejas, and which the minister admits was written by him. It contains expressions concerning the President of the United States of such character as to end the minister's utility as a medium for frank and sincere intercourse between this country and Spain. You are, therefore, instructed to at once say to the Minister of State that the immediate recall of the minister is expected by the President.

DAY, *Acting.*

I shall communicate at once to my Government by telegraph the reply which your excellency may be pleased to give me.

No. 64.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *February 11, 1898.*

I have just turned over the legation to the first secretary, Du Bosc, who will act as chargé d'affaires.

In taking my official leave of your excellency, I thank you for your kindnesses and express every wish for the well-being of the King and the country.

DUPUY.

No. 65.

The Minister Plenipotentiary of the United States to the Minister of State.

No. 63.]

LEGATION OF THE UNITED STATES,
Madrid, February 14, 1898.

EXCELLENCY: On the afternoon of last Thursday, the 10th day of February, and after the adjournment of His Majesty's Council of

Ministers, I had the honor to call upon your excellency and to read to you a copy of a telegram which I had received that morning from my Government, and which related to a letter written by the Spanish minister at Washington. I then stated that I would communicate to my Government at once by telegraph such answer as your excellency might make, and I left with you a copy of such telegram and statement. I understood your excellency to reply that the Spanish Government sincerely regretted the indiscretion of the Spanish minister at Washington, and that his resignation had been asked and accepted by cable before our then interview.

I telegraphed to my Government at once that the resignation had been asked and accepted by cable before our then interview.

It is possible that I misunderstood your excellency in what was said about the minister's resignation having been asked by your Government.

It is now the fourth day since I had the honor of calling upon your excellency, and I have not yet had the satisfaction of receiving any formal indication that His Majesty's Government regrets and disavows the language and sentiments which were employed and expressed in such letter addressed by the Spanish minister at Washington to a distinguished Spanish citizen.

It is my hope and pleasure to believe that the Spanish Government can not have received the text of the letter written by Señor Dupuy de Lôme to Señor Canalejas, in regard to which I called upon your excellency last Thursday, and it therefore becomes my duty to acquaint your excellency with the following extracts from such letter, which are notably objectionable to my Government:

First:

El mensaje ha desengañado á los insurrectos que esperaban otra cosa y ha paralizado la acción del Congreso, pero yo lo considero malo, además de la natural é inevitable grosería con que se repite cuanto ha dicho de Weyler la prensa y la opinión en España demuestra una vez más lo que es McKinley debil y populachero y además un politicastro que quiere dejarse una puerta abierta y quedar bien con los jingoes de su partido.

Second:

Seria muy importante que se ocuparan, aunque no fuera más que para efecto de las relaciones comerciales y que se enviase aquí un hombre de importancia para que yo le usara aquí para hacer propaganda entre los senadores y otros en oposición á la junta y para ir—— emigrantes.

The last word before "emigrantes," and which I have indicated by a dash, is almost illegible.

I beg to point out to your excellency the insulting character of the first passage and the insincerity which underlies the suggestions of the second.

I avail, etc.,

STEWART L. WOODFORD.

No. 66.

The Minister of State to the Minister Plenipotentiary of the United States.

[Translation.]

No. 13.]

MINISTRY OF STATE,

Palace, February 15, 1898.

MY DEAR SIR: There is, in fact, as your excellency yourself suspects, an error or misunderstanding, little surprising in truth, in the references to our brief conversation of Thursday, the 10th instant, to which your excellency alludes in the note which I had the honor to receive yesterday.

After your excellency read to me the telegram transmitted by your Government, and an exact copy of which you were kind enough to leave with me, when you asked me to indicate to you the opinions and intentions of the Cabinet of Madrid concerning the facts mentioned in the same dispatch, I replied solely that the Spanish Government, like that of Washington, and like your excellency, with entire sincerity lamented the incident which was the cause of our interview; but that, while considering it and measuring its real significance, Señor Dupuy de Lôme had already solved it by presenting the resignation of his charge, which the Council of Ministers had just accepted.

To this clear declaration I understood that I should limit my reply, because, in fact, the Spanish Ministry, in accepting the resignation of a functionary whose services they had been utilizing and valuing up to that time, left it perfectly well established that they did not share, and rather, on the contrary, disauthorized, the criticisms tending to offend or censure the chief of a friendly State, although such criticisms had been written within the field of personal friendship and had reached publicity by artful and criminal means.

This meaning, which was involved and could not help being embodied in a resolution of the Council of Ministers adopted before I had the pleasure of receiving your excellency when the Government of Spain only in a general way, by vague telegraphic reports, learned the sentiments alluded to, is naturally the proper meaning which the Spanish Ministry, with equal or greater reason, gives to the decision referred to, after reading the words which your excellency copies in Spanish in the first of the two paragraphs which your courteous note transmits to me.

As regards the second paragraph which the same communication of your excellency almost literally reproduces, the Government of which I form a part is profoundly surprised that a private letter, dated, as it appears, on a day relatively distant, and the opinions of which can not properly be formed now, subsequent to recent agreements, can be invoked now merely on account of the significance of

the signature as a germ of suspicion and doubt as opposed to the unanswerable testimony of simultaneous and subsequent facts.

The present Spanish Government, before and after the date indicated, with respect to the new colonial régime and the projected treaty of commerce gave such evident proofs of its real designs and of its innermost convictions that it does not now consider compatible with its prestige to lay stress upon or to demonstrate anew the truth and sincerity of its purposes and the unstained good faith of its intentions.

Publicly and solemnly it contracted, before the mother country and its colonies, the responsibility of the political and tariff changes which it has inaugurated in both Antilles, and the natural ends of which in the domestic and international spheres it pursues with that perseverance and firmness at which it aimed from the beginning and which in the future must inspire its entire conduct.

I avail, etc.,

PIO GULLÓN.

No. 67.

The Minister Plenipotentiary of the United States to the Minister of State.

LEGATION OF THE UNITED STATES,
Madrid, February 19, 1898.

MY DEAR SIR: On receiving, on February 16 instant, your courteous note dated February 15, I translated it at once into English and telegraphed the complete text to my Government.

To-day I am in receipt of telegraphic dispatch from the State Department at Washington directing me to inform your excellency that your note closes satisfactorily the incident raised by the publication of the private letter from the late minister of Spain at Washington.

I am further directed to assure your excellency of the gratification felt by my Government at your frank statements, which my Government had from the outset confidently expected.

I avail, etc.,

STEWART L. WOODFORD.

No. 68.

The Minister of State to the Chargé d'Affaires of Spain in Washington.

[Telegram.—Translation.]

MADRID, *February 16, 1898.*

Please express to the Secretary of State the profound feeling of the Spanish Government over the catastrophe to the *Maine*.

GULLÓN.

No. 69.

The Chargé d'Affaires of Spain to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *February 16, 1898.*

The Captain-General of Cuba wired me at daybreak of the explosion on the *Maine*. I went to the State Department at 3 o'clock and informed the Secretary of the telegram, in which the help of all classes is offered by the Habana authorities. At the same time I expressed my deep sorrow. Before going to the Department I gave the report to the press, in order that it might appear in the papers, and advised Day what I had done, reaching an understanding with him to employ the same expressions.

In all official circles the conviction is felt that the catastrophe on the *Maine* was purely accidental, and one member of the Cabinet has expressed that feeling. The filibustering press is accusing, however. The English and French ambassadors have formally communicated the condolence of their Governments.

The cruiser *Montgomery*, which was in Jamaica, should arrive at Santo Domingo to-day en route for Key West.

DU BOSC.

No. 70.

The Minister of State to the Chargé d'Affaires of Spain in Washington.

[Telegram.—Translation.]

MADRID, *February 17, 1898.*

I am gratified that in official circles there the real character of the lamentable disaster of the *Maine* is recognized, ignoring the miserable calumnies which our enemies are now trying to circulate.

I charged you yesterday to express, in the name of our Government, condolence to the Government of the United States, and I now direct you to also express to the President assurance of the sorrow of Her Majesty the Queen Regent for the unhappy casualty to the American vessel and crew in Spanish waters.

GULLÓN.

No. 71.

The Chargé d'Affaires of Spain to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *February 18, 1898.*

On receiving the telegram from your excellency, I wrote to Mr. Day, to consult with him concerning the manner in which I could

comply with your excellency's instructions. The President set an interview for 10.30 this morning, at the White House, Mr. Day accompanying me thither. After the usual courteous greeting, etc., I said to the President:

Mr. President, I have received instructions from the Minister of State to tender to your excellency assurance of the sympathy of Her Majesty the Queen Regent of Spain, my august sovereign, upon the unhappy casualty to American vessel and crew in Spanish waters.

The President replied:

I beg you, Señor Du Bosc, to inform Her Majesty the Queen Regent of my sincere appreciation of her kind expressions of sympathy, on account of this great loss which the American people have suffered.

The Navy Department has given a notice to the public to-day, drafted by Professor Alge, a Prussian—one of the principal experts of the Department—in which it is said that the explosion of the *Maine* could in no way have resulted from a torpedo or exterior force. The captain of the *Maine* has telegraphed that the kindness and courtesy shown to him and the crew in Habana are unexcelled.

The Associated Press has circulated in the newspapers all kinds of exaggerations and inaccuracies.

Du Bosc.

No. 72.

The Minister Plenipotentiary of the United States to the Minister of State.

FEBRUARY 18, 1898.

MY DEAR SIR: I am to-day in receipt of a dispatch from the American Secretary of State informing me that the Spanish chargé d'affaires at Washington has presented a telegraphic message of condolence from His Majesty's Government to that of the United States, and I am instructed to convey at once to your excellency the deep appreciation which the President, the Government, and the people of the United States feel for this generous tribute to the memory of the many who perished in the destruction of the United States battleship *Maine* and for this manifestation of sympathy with the American people in their grief.

I trust that your excellency will permit me to add my own sincere expression of gratitude for the many and heartfelt expressions of sympathy which have come to me from the Government and the people of Spain in this great sorrow.

I avail, etc.,

STEWART L. WOODFORD.

No. 73.

The Chargé d'Affaires of Spain to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, February 23, 1898.

Although the reports of the news agencies and correspondents are greatly exaggerated concerning military and naval preparations, there is, nevertheless, as great activity in the arsenals of the country as is allowable without previous authorization by Congress. A resolution has passed the Senate granting \$10,000,000 for fortifications, and another for an increase of two regiments of artillery which the military experts have been asking for years but without success until now. But aside from the belligerent feeling, I observe in the Administration a certain apprehension.

Du Bosc.

No. 74.

The Chargé d'Affaires of Spain to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, February 25, 1898.

Alarming reports from Cuba, received yesterday afternoon, to the effect that the catastrophe of the *Maine* was caused by a submarine mine, have stirred up the greatest agitation until even the most important and conservative men have lost their heads.

In a long interview which I had yesterday with Day, he assured me that no report from Habana had been received within the past twenty-four hours.

All await with feverish anxiety the American official report. If it declare that the catastrophe was due to an accident, I believe I can assure your excellency that the present danger will be over; but if, on the contrary, it alleges that it was the work of a criminal hand, then we shall have to face the gravest situation.

Du Bosc.

No. 75.

The Minister of State to the Chargé d'Affaires in Washington.

[Telegram.—Translation.]

MADRID, February 26, 1898.

The newspapers and agencies continue to show the President and his Government as perplexed and inclined to incomprehensible

apprehensions or to a proposed attitude very different from that heretofore maintained, and regarding the firmness and correctness of which Woodford carefully sustains even at this time.

General Blanco will send you the report of the *Maine*, which will show the catastrophe was due to an interior accident.

You should endeavor to counteract the rumors and calumnies of the filibusters and correct sensational public opinion.

Señor Polo de Bernabé, appointed the new minister to the United States, leaves to-day for Gibraltar, from where he will sail on Monday.

GULLÓN.

No. 76.

The Chargé d'Affaires of Spain to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, February 27, 1898.

Complying with the instructions of the Governor-General of Cuba, to endeavor to get permission for the Spanish divers to examine the wreck of the *Maine* with the Americans and submit an official record, I have been successful in having instructions sent to-day to Sigsbee and Lee to afford facilities to the Spanish divers to examine the wreck, but independently from the Americans; inasmuch as this Government believes it will produce a better effect on public opinion here to have the Spanish and American reports published separately, although it believes and hopes that both will be identical in all essential points.

Du Bosc.

No. 77.

The Minister of State to the Chargé d'Affaires of Spain in Washington.

[Telegram.—Translation.]

MADRID, March 3, 1898.

The sending of relief to the reconcentrados in two American war vessels and to two ports of Cuba would be, at this time, a very grave act, which would cause immediate complications. Without regard to what I may say to Woodford this afternoon, you will set forth also to the Assistant Secretary of State the transcendent injustice of the projected expedition, and endeavor earnestly to prevent it.

GULLÓN.

No. 78.

The Chargé d'Affaires of Spain to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *March 6, 1898.*

I have the satisfaction of reporting to your excellency that this Government has abandoned the purpose of sending war vessels to carry succor to Cuba. Mr. Day has orally informed me of this resolution, and inquires if it would be unobjectionable to send the supplies on the advice boat *Fern*, which is now in Habana. I replied that I saw no objection.

Du Bosc.

No. 79.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *March 10, 1898.*

I have just arrived and taken charge of my post. To-morrow, at the earliest moment, I shall see the Secretary of State. Yesterday the Congress voted unanimously an appropriation of \$50,000,000 for armament. In spite of the supremeness of this measure, the situation at the moment appears more tranquil, while still of undeniable gravity. The impressions I have received cause me to fear, nevertheless, that the report of the *Maine* and the reports of the consuls may stir up dangerous incidents.

POLO.

No. 80.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

LONDON, *March 10, 1898.*

A telegram from New York has been sent here that the English ambassador in Washington has stated to the President of the United States that if a conflict occurs with Spain England would join in it. This the Under Secretary for Foreign Affairs denied to me categorically, and also did so in the House of Commons to-day.

RASCON.

No. 81.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *March 11, 1898.*

The Secretary and Assistant Secretary of State have received me in the most cordial manner, expressing friendly sentiments toward

Spain and asserting that the President does not want war. Mr. Day added that the situation has improved. I told him that the reports from Cuba were satisfactory. He observed that the pending matter was the report of the *Maine*. I replied that I could not see what relation that subject, of a purely internal character, had with Spain. The President will receive me to-morrow.

POLO.

No. 82.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *March 12, 1898.*

I have just been received by the President of the Republic, who made a most gracious address. I fear, nevertheless, that the acts will not bear out the words.

POLO.

No. 83.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *March 12, 1898.*

Your cable of yesterday is received. I charge you, availing of the first opportune occasion, to turn the conversation toward the inconvenience and danger the present situation will have for the United States and Spain if it is prolonged indefinitely. Refer to the necessity that our rights in Cuba shall be respected, and to the fact that the moment for the true effectiveness of autonomy and the new régime in Cuba is approaching and that the elections are beginning, the freedom and results of which, for all persons of good faith, will be exempt from menace, pressure, or influence. It seems clear, therefore, that, by legislation and by deeds, this Government is now proclaiming its wish for peace.

GULLÓN.

No. 84.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *March 16, 1898.*

Mr. Day sent for me to-day to ask that the vessels which carry aid to the reconcentrados be admitted free of port and tonnage dues.

I have recommended the request to the Governor-General of Cuba. After our conversation, he stated to me earnestly that they do not want war, nor do they want Cuba nor anything. He told me that the war preparations were induced by our activity by acquiring great armaments and adding to our squadron. I demurred that, we having a rebellion in Cuba, we needed to increase our forces; to which he replied that certain vessels could not be employed against the insurgents, and that many believed over here that Spain, in order to terminate the rebellion with honor, seeing that the struggle is being prolonged indefinitely, desired war with the United States. I told him that was an error, and that I would solemnly assure him that we desired peace; in order to maintain it we would do all that was compatible with honor and national dignity; that the note of February 1 sets forth our attitude. Intervention, I added, would mean war, for in every nation where honor is prized intervention and war are equivalent.

He told me he was gratified to hear this assertion, and I repeated it, adding that war, in the present circumstances, would be a crime against humanity and civilization, and that for that crime Spain would never be responsible. I told him that we were doing everything possible to quickly terminate the insurrection, and that if the United States would have done a small part, principally in disbanding the New York junta, it would all be over. He answered that this was not possible under American law and in the present state of public feeling.

POLO.

No. 85.

The Minister of State to the ambassadors of His Majesty in Paris, Berlin, Vienna, London, St. Petersburg, Rome, and the Holy See.

[Telegram.—Translation.]

MADRID, *March 16, 1898.*

We do not yet know the text of the report of the Spanish commission upon the cause of the explosion on the *Maine*; but we know that the opinion of experts and of all the marines and impartial judges agree that the disaster was due to a happening which took place on the inside of the vessel.

It is advisable, therefore, that in informal conversations and in comments for the friendly and important press you invite attention to the strange persistence with which the daily press and other publications of the United States continue to attribute the catastrophe to an origin completely erroneous, and by so doing arousing a spirit of menace in the relations of that Republic with Spain.

GULLÓN.

No. 86.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *March 17, 1898.*

I received with especial gratification your excellency's telegram of yesterday. I commend your excellency's energy and cordially approve the determined views in your last conversation with Day. I do not deem it necessary to reinforce your excellency's arguments with data to prove the sincerity of our pacific desire, and the difference of our attitude in this respect from the United States.

Your excellency speaks of the \$50,000,000, the increase of the militia, the fortification of the coast, the exemption of duties on specified goods, and of many other acts which have not been proposed or adopted here. You especially speak of the permanent fleet at Key West and of the concentration of another at Lisbon. You endeavor, particularly, to show clearly that our naval forces are directed to the most worthy and legitimate defense of our island possessions.

I shall speak on this subject to Woodford, thus cooperating with your excellency.

GULLÓN.

No. 87.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *March 19, 1898.*

Senator Proctor yesterday made a speech which has produced great effect because of his temperate stand.

He set forth in black colors the situation of the reconcentrados, declared that the country was opposed to autonomy and favorable to independence, and recommended that the solution be left to the President.

Before making the speech he had seen the President and Day, for which reason more importance is attached to his words. My impression is that the President will try to withstand the powerful public sentiment in favor of the insurrection, but any incident might hinder his purposes.

The battle ships *Massachusetts* and *Texas* have joined the squadron in Hampton Roads. New military districts have been formed in the South and a bill introduced in the House to increase the army contingent by 103,000 men.

POLO.

No. 88.

The Minister of State to the ambassadors of His Majesty in Paris, Berlin, Vienna, London, St. Petersburg, Rome, and the Holy See.

[Telegram.—Translation.]

MADRID, *March 22, 1898.*

The reports from the United States can not be considered satisfactory, since McKinley and his Government have let the tidal wave rise considerably and there is now doubt whether they have the will or the force to resist it. During this week we shall know whether the President will at the last retain for himself his Executive power in international matters or will submit to Congress by delivery to that body the report upon the *Maine* (which will probably be without foundation and offensive to us) and communicate the consular reports concerning the situation of the reconcentrados.

GULLÓN.

No. 89.

The Minister Plenipotentiary of the United States to the Minister of State.

LEGATION OF THE UNITED STATES,

Madrid, March 22, 1898.

EXCELLENCY: May I have the pleasure of an interview with your excellency at your house to-morrow, Wednesday, at 3 o'clock? As my knowledge of Spanish is very limited, I shall be obliged if your excellency will invite your colleague, Señor Moret, to be present at the interview, in order that he may interpret carefully.

STEWART L. WOODFORD.

No. 90.

The Minister of State to the Minister Plenipotentiary of the United States.

[Translation.]

PALACE, *March 22, 1898.*

EXCELLENCY: Replying to your excellency's esteemed communication of to-day, I am pleased to state that I shall have the greatest pleasure in receiving you at my house to-morrow at 3 o'clock. Acceding further to your wishes, I shall invite my colleague, Señor Moret, to be present at the interview.

I avail, etc.,

PIO GULLÓN.

No. 91.

Memorandum delivered by the Minister Plenipotentiary of the United States at the interview which took place on March 23, 1898, with the Ministers of State and Colonies.

I ought, at the beginning of our interview, to say to you that the report on the *Maine* is in the hands of the President. I am not to-day authorized to disclose its character or conclusions; but I am authorized to say to you that unless some satisfactory agreement is reached within a very few days which will assure immediate and honorable peace in Cuba the President must at once submit the whole question of the relations between the United States and Spain, including the matter of the *Maine*, to the decision of Congress.

I will telegraph immediately to the President any suggestions that Spain may make, and I hope to receive within a very few days some definite proposition that shall mean immediate peace in Cuba.

No. 92.

The Minister of State to the representatives of Spain abroad.

[Circular telegram.—Translation.]

MADRID, March 24, 1898.

At a conference yesterday between the minister of the United States and the Minister for the Colonies and myself, Mr. Woodford handed to me a memorandum, unsigned, which sets forth that the report of the American commission concerning the explosion on the *Maine* is now in the hands of the President. It further states that if within a few days a conclusion is not reached which will assure immediate and honorable peace for Cuba the President must submit to the American Congress not only the report of the *Maine*, but also the whole question of the relations between the United States and Spain. I shall reply to-morrow that the most elemental justice demands, regarding the *Maine*, cognizance of the report of the Spanish commission; its comparison with the American to be done, of course, in a tranquil atmosphere, and outside of the Congress; and, in the event of an irreconcilable disagreement, submission to a decision of other dispassionate judges. Touching the agreement to assure an immediate and satisfactory peace for the Cubans, the Spanish Government deems it indispensable to know at least the sentiments and wishes of the insular congress of Cuba, which will convene on the early date of May 4.

It is advisable that your excellency may thus understand the character and extent of the demands and requirements before us, as well as the prudence and moderation of our reply, in order that your excellency may be able to let the Government to which you

are accredited clearly understand the attitude of the two Cabinets, and the character which will invest any events the future may have in store for us.

GULLÓN.

No. 93.

— *Memorandum handed by the Minister of State to the Minister Plenipotentiary of the United States.*

[Translation.]

MINISTRY OF STATE,

Madrid, March 25, 1898.

When the Cabinet was informed of the conference which took place in the afternoon of Wednesday, March 23, at the residence of the Minister of State, between the latter, the Minister for the Colonies, and the United States minister, it was in possession of news somewhat altering the bearing of the questions briefly treated in the course of that interview.

It now appears that the captain of the U. S. S. *Maine* has asked leave to destroy with dynamite the wreck of his ship, thus annihilating the only proofs which in case of doubt or disagreement could be again examined in order to determine, if necessary, the cause and nature of a catastrophe in the midst of which Spanish sailors and officials displayed the greatest abnegation and oblivion of all personal risk and a generous wish to circumscribe or diminish the dreadful calamity which befell the crew of the American vessel.

Even without seeing in the request of the captain of the *Maine* any other meaning than that personally expressed in the petition signed by him, the Spanish Government considers as utterly unjustifiable and inadmissible the determination to submit to a political assembly the report drawn up by the official American board of inquiry on the causes and circumstances of the blowing up or explosion of the *Maine*. After having in vain invited the United States naval officers to take part in its labors and go through the necessary investigations conjointly with its members, the Spanish commission has now finished and drawn up its conclusions with a complete knowledge of the scene of a disaster so deplorable and painful for all Spaniards. But their report is not yet known.

One of the principal, if not the principal, basis of judgment is therefore wanting for any individual or body of men who may wish to weigh the facts with perfect impartiality. Under these circumstances to place before a popular deliberating assembly without correction, explanation, or counterproof of any kind a report which, issued by the fellow-citizens of the members of that body, must

necessarily meet with an approval inspired rather by sentiment than by reason, is not only to resolve beforehand a possible future matter for discussion, but apparently reveals an intention of allowing national enthusiasm, commiseration, or other like natural and comprehensible feelings, so frequently found in all numerous and patriotic assemblies, to form an *a priori* judgment not based on proof, and to reject, before even knowing its terms, any statements which may give rise to doubt or seem distasteful. The most elementary sense of justice makes it in such case a duty to previously examine and discuss in an atmosphere of absolute calmness the two different inquiries tending to one common end. Only in the supposition of an irreconcilable discrepancy or complete opposition between one and the other would it be proper to submit them, as equity demands, to evidence less prone to prejudice and, if necessary, to fresh investigations and different judgments.

As to the last part of the document handed to the Minister of State by his excellency the United States minister—that is to say, as to any suggestion or proposal which might be made by Spain in order to secure an immediate and honorable peace—His Majesty's Government are at present more than ever of opinion that the suggestions and means repeatedly mentioned to the United States would in a very short time bring about that peace so eagerly desired by all. If, however, the United States Government, in making known in different terms and under a fresh aspect this requirement of an honorable and immediate peace, has in mind conditions for the making or consolidation of peace, which are or may be directly or indirectly connected with the political system already established in Cuba, His Majesty's Ministers consider it their duty to remind the said Government in all sincerity that nothing can be done in this direction by the Madrid Cabinet without the natural participation of the insular parliament, which is to meet on the already near date of May 4 proximo, and will then turn its special attention either spontaneously or on the motion of the representative of the Central Government to the measures most appropriate for rapidly bringing about a lasting and early peace in the island.

No. 94.

The Minister Plenipotentiary of Spain to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *March 25, 1898.*

Day, having sent for me, spoke of the conference between Mr. Woodford, your excellency, and the Minister for the Colonies. He

told me that the report of the *Maine* would arrive to-night, and that to-morrow or the following day he would communicate it to me, advising me in advance that the explosion resulted from exterior cause; that it will be published and sent to Congress on Monday, which will produce great excitement; but that he had assurance that all would be arranged amicably.

I reviewed what he had said to me on this subject at other interviews. He answered that he must await the report. I said it was also necessary to see ours. In closing, he spoke of the reconcentrados, of the sympathy felt for their sufferings, and of the President's conviction that something must be done to quiet excited public opinion and the disposition of Congress. In short, he intends to use large sums, which Congress will appropriate, for the immediate relief of the reconcentrados.

Day communicated the foregoing to me because the President desires to work in complete accord with Spain and to avoid all ground for friction. I told him that I could not forecast the opinion of the Government of His Majesty upon so delicate a matter, and that I would not have been able to discuss it at all, if he had not informed me beforehand that he desired to avoid friction.

The activity for an armament continues; also the excited debates in Congress.

I am communicating fully with the Governor-General of Cuba.

POLO.

No. 95.

The Minister of State to the representatives of His Majesty abroad.

[Circular telegram.—Translation.]

MADRID, *March 25, 1898.*

The representative of Spain in Washington has just advised me that the United States Government has informed him that the report of the American commission on the catastrophe to the *Maine* will be communicated to Congress on Monday, without our having previous knowledge of it, and without the addition of the already dispatched report of the Spanish commission.

For the reasons set forth in my telegram of yesterday, and by reason of the decision to submit this question to a popular Congress—thus putting it out of the personal jurisdiction of the Executive power, an act which, in our belief, may provoke a conflict between the two nations—the Spanish Government believes it its duty and deems it in accordance with the principles governing international relations between Christian powers to inform the Government to which you are accredited of the foregoing circumstances and to ask its friendly offices in order that the President of

the United States may retain under Federal control all questions affecting the relations or differences with Spain in order to bring them to an honorable conclusion.

So convinced is Spain of her right in this matter and of the prudence with which she is acting that, if the aforesaid suggestion does not avail, she will not hesitate to at once ask the counsel of the great powers and, in the last resort, their mediation to adjust the pending differences, which differences, in the near future, may disturb a peace that the Spanish nation desires to preserve as far as its honor and the integrity of its territory will permit, not only on its own account, but because war, once begun, affects all other powers of Europe and America.

Your excellency may read this telegram to the Minister for Foreign Affairs.

GULLÓN.

No. 96.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

PARIS, *March 25, 1898.*

I have conferred at length this afternoon with the Minister for Foreign Affairs to acquaint him with your excellency's circular telegram touching the last note verbale presented by the minister of the United States.

* * * * *

I said that, besides actively cooperating to obtain a European concert, inasmuch as the crisis has reached an acute stage and demands quick action, I believed it would be efficacious at this time if France, invoking the traditional international policy since the beginning of the century concerning Cuba, should address itself to England proposing common action in favor of peace.

The Minister for Foreign Affairs accepted this suggestion in principle, and asked for a period of reflection and to submit the matter to the Council of Ministers.

* * * * *

LEÓN Y CASTILLO.

No. 97.

The Ambassador of His Majesty near the Holy See to the Minister of State.

[Telegram.—Translation.]

ROME, *March 25, 1898.*

I have informed Cardinal Rampolla of your excellency's telegram of last night, relative to the memorandum handed to you by the minister plenipotentiary of the United States.

His eminence has shown himself much impressed by the statement I have made.

* * * * *

He approves the reply which your excellency proposes to make to the American Government; he commends the calmness and moderation of our Government, and recommends that you endeavor to persuade the European cabinets to exercise their influence at Washington to avert war. He is convinced that France, whose form of government can not inspire suspicion in the United States, is animated by friendly sentiments for Spain. He will advise the Pope of my communication, and assures me we may count upon the friendliness of the Holy See.

* * * * *

MERRY.

No. 98.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

LONDON, March 26, 1898.

The Under Secretary for Foreign Affairs has written to me that Mr. Balfour has given earnest consideration to your excellency's telegram and the pacific views of the Spanish Government; that the British Government will view with regret any incident that may perturb unnecessarily the relations between Spain and the United States.

* * * * *

Mr. Balfour has telegraphed the British ambassador in Washington, and directs him, if opportunity affords, to inform that Government of the conciliatory attitude of the Spanish Government.

RASCON.

No. 99.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

VIENNA, March 27, 1898.

The Minister for Foreign Affairs thinks it essential that the report of the Spanish commission on the *Maine* be published, as a comparison with the American and to facilitate arbitration.

* * * * *

He believes that one of the most important questions in Europe to-day is to preserve peace, and that to this end diplomatic steps must principally aid. * * *

HOVOS.

No. 100.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

ST. PETERSBURG, *March 27, 1898.*

I have just had a long interview with the Minister for Foreign Affairs.

* * * * *

He showed himself most sympathetic toward Spain and enthusiastic for the Queen, and assured me that the Emperor was animated by the same sentiments.

VILLAGONZALO.

No. 101.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

ROME, *March 27, 1898.*

I have just had an interview with the Minister for Foreign Affairs, to whom I set forth fully the conduct of the United States Government, contrasting it with the prudence and moderation of Spain. Then I read him, in French, the telegrams from your excellency. He replied, with conviction, that the Italian Government, moved by friendly sentiments for the Queen Regent and for the Spanish nation, will at once act in the sense of your excellency's suggestion; that he assumes that our Government will address itself to all the great powers, and that Italy will put itself in communication with them.

* * * * *

In concluding, he repeated his friendly sympathy and good will for our country.

MAZO.

No. 102.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *March 27, 1898.*

The report of the *Maine* has aroused deep feeling. It is feared Congress will take some extreme action. Nevertheless, it seems that the President continues in a peaceful attitude.

The Vice-President of the Republic has just visited me, expressing a like attitude and his hope that the excitement will pass.

I believe it would be well to publish our report on Monday when the American report is presented.

POLO.

No. 103.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, *March 27, 1898.*

The Minister of Marine has received a telegraphic extract of the Spanish report upon the explosion of the *Maine*. The report consists of declarations of eyewitnesses and of experts, of the conclusions of the attorney-general, and of the résumé reached by the counselor of the navy-yard. By the depositions of eyewitnesses and experts is shown the absence of the incidents that always attend the explosion of torpedoes. No column of water was seen to rise, nor the water to be agitated, nor to dash against the sides of near-by vessels; nor was any shaking felt on the shore; nor were there subsequently seen dead fish floating. The deposition of the chief pilot of the port shows the abundance of fish; that of the assistant engineer of harbor works shows the same, saying he has always found dead fish after many explosions made in carrying on works in the bay. The divers examining the hull could not see its bottom, being buried in the mud, but they examined the sides; the jagged edges outwards are an infallible sign of an internal explosion.

The bottom of the bay, in the vicinity of the vessel, being examined, no indication of the action of torpedoes was discovered. The report shows that the peculiar nature of the procedure followed and respect for the extraterritoriality of the *Maine* have prevented carrying on such investigations in the interior of the vessel as would furnish means of deciding at least by hypothesis the internal origin of the disaster. The refusal to establish the necessary cooperation between the Spanish commission, the commander and crew of the *Maine*, and the American officials commissioned for the same work also contributed to impede the investigation. The report asserts that the internal and external examination of the *Maine*, when it can be accomplished, and provided the labors for the total or partial recovery of the wreck do not cause any change in it, and the examination of the spot in the bay where the vessel is sunk, will prove that the explosion was produced by an internal cause.

GULLÓN.

No. 104.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

BERLIN, *March 28, 1898.*

I have just had a long interview with the Chancellor. After acquainting him with the memorandum of the representative of the United States and with the reply proposed to be made by the Government of His Majesty, I read him the telegram received yesterday regarding the report from the Spanish minister in Washington.

He listened and duly appreciated the widely divergent attitudes of the two Governments.

* * * * * *

MENDEZ VIGO.

No. 105.

The Minister Plenipotentiary of the United States to the Minister of State.

No. 91.]

MADRID, *March 28, 1898.*

EXCELLENCY: On yesterday—Sunday, March 27 instant—about noon, I received a cipher dispatch from my Government giving the substance of the report of the naval board of inquiry concerning the loss of the U. S. S. *Maine*. The translation of this cipher dispatch was only completed late last night. I will call upon you at any hour to-day which you may appoint and communicate to you the substance of such report as telegraphed to me.

With regard to the first part of the memorandum or statement which you showed me on Friday afternoon, March 25, and sent to me on Saturday morning, March 26, and which related to the loss of the steamer *Maine* and to the request of the captain of the *Maine* to use explosives in connection with the wreck of such steamer, I am instructed by my Government to explain to you that the captain of the *Maine* merely sought to employ small explosive charges on the upper works of the vessel for the sole purpose of clearing away wreckage so as to get at the bodies and guns which were still in the wreck; but, finding his request misunderstood and opposed by the authorities at Habana, he withdrew such request, by the instructions of the Secretary of the American Navy.

I am sure that this explanation will remove all doubt or suspicion from your mind with regard to the request which the captain made.

I am further instructed to explain to your excellency that the President of the United States intends to send the report of the American naval board of inquiry, with brief message, to Congress this Monday, March 28, and that it is thought no other action will

be taken in Congress to-day than the usual reference of such reports to the proper committees.

From the best information I can get, I believe that a feeling of deliberation prevails in both houses of the American Congress, and that there is no just reason for the Spanish Government to expect that anything will be done hastily or unjustly.

I avail, etc.,

STEWART L. WOODFORD.

No. 106.

Note delivered by the Minister Plenipotentiary of the United States.

No. 92.]

MADRID, *March 28, 1898.*

EXCELLENCY: At the request of your excellency and by direction of the President I have the honor to communicate to your excellency the following summary, received by telegraph from my Government, of the report made on March 21, 1898, by the United States board of inquiry in the case of the U. S. S. *Maine*:

The *Maine* arrived at Habana January 25, 1898. Notice of her intended arrival had been given by the United States consul-general to the authorities of Habana on the preceding evening and she was conducted by the regular Government pilot to buoy No. 4, in from $5\frac{1}{2}$ to 6 fathoms of water. The discipline on the ship was excellent, and all her orders and regulations were strictly carried out. The ammunition was properly stored and cared for. The magazines and shell rooms were always locked after being opened, and after the destruction of the ship the keys were found in their proper place in the captain's cabin. The temperatures of the magazines and shell rooms were taken daily and reported. The only magazine showing undue heat was the after 10-inch magazine, which did not explode. The torpedo war heads were stored in the after part of the ship, under the wardroom, and did not explode. The dry gun-cotton primers and detonators were stored in the cabin, aft, and remote from the explosion. The waste was carefully looked after, under special orders of the commanding officer, and varnishes, dryers, alcohol, and like combustibles were stored on or above the main deck. The medical stores were aft, under the wardroom. No dangerous stores were below in any other storeroom.

The coal bunkers were inspected daily. Of those which were adjacent to the forward magazine four were empty, while one was full of coal. This coal, before it was received, was carefully inspected, and the bunker was inspected by the engineer officer on duty on the day of the explosion. No case of spontaneous combustion of coal had ever occurred on the *Maine* and the fire alarms in the bunkers were in working order.

Two after boilers were in use at the time of the disaster, but for auxiliary purposes only, at a comparatively low temperature and under watch, and could not have caused the explosion. The four forward boilers were found by the divers in fair condition.

The *Maine* was destroyed at 9.40 o'clock on the evening of February 15. Everything had been reported secure at 8 o'clock p. m. and all on board was quiet.

There were two distinct explosions, with a brief interval. The first, with a report like that of a gun, lifted the ship very perceptibly; the second was more open, prolonged, and of greater volume, and was caused by the partial explosion of two or more of the forward magazines.

The evidence obtained by the divers as to the condition of the wreck is more or less incomplete, but it appears that the after part of the ship sunk practically intact.

As to the forward part, the testimony establishes the following facts:

That portion of the port side protective deck which extends approximately from frames 30 to 41 was blown up, aft, and over to port. The main deck from approximately frames 30 to 41 was blown up, aft, and slightly over to starboard, folding the forward part of the middle superstructure over and on top of the after part. This was, in the opinion of the board, caused by the partial explosion of two or more of the forward magazines.

But at frame 17 the outer shell, from a point $11\frac{1}{2}$ feet from the middle line of the ship and 6 feet above the normal, the keel was forced up and remained above water, about 34 feet above the normal position. The outside bottom plating is bent inboard, and a portion about 15 feet broad and 32 feet long is doubled back upon itself. The verticle keel is broken in two at frame 18, and the flat keel is bent into an angle similar to that which is formed by the plating. This break is now about 6 feet below the surface of the water and 30 above its normal position. This effect could, in the court's opinion, have been produced only by the explosion of a mine under the bottom of the ship.

In conclusion, the court finds that the loss of the *Maine* was not due to any fault or negligence of any of the officers or crew, but to the explosion of a submarine mine, which caused the partial explosion of two or more of the forward magazines.

No evidence, however, was obtained fixing the responsibility on any person or persons.

Having thus communicated to your excellency the foregoing summary of the report of the United States board of inquiry in the case of the U. S. S. *Maine*, I am further instructed to communicate the following:

Upon the facts as thus disclosed a grave responsibility appears to rest upon the Spanish Government. The *Maine*, on a peace errand and with the knowledge and consent of that Government, entered the harbor of Habana, relying upon the security and protection of a friendly port. Confessedly she still remained, as to what took place on board, under the jurisdiction of her own Government. Yet the control of the harbor remained in the jurisdiction of the Spanish Government, which, as the sovereign of the place, was bound to render protection to persons and property there and especially to the public ship and to the sailors of a friendly power.

The Government of the United States has not failed to receive, with due appreciation, the expressions of sympathy tendered by the Government of Her Majesty the Queen Regent to the United States in respect to the loss of its ship and sailors. This fact can only increase its regret that the circumstances of the case, as disclosed by the report of the board of inquiry, are such as to require of the

Spanish Government such action as is due where the sovereign rights of one friendly nation have been assailed within the jurisdiction of another.

The President does not permit himself to doubt that the sense of justice of the Spanish nation will dictate a course of action suggested by the friendly relations of the two Governments.

I avail, etc.,

STEWART L. WOODFORD.

No. 107.

The Minister of State to the Minister Plenipotentiary of the United States.

[Translation.]

PALACE, March 28, 1898.

MY DEAR SIR: Hastening to comply with your excellency's desires, I have the pleasure to state that the President has postponed the meeting of the Council of Ministers, which would have taken place to-morrow, and will receive your excellency to-morrow at 4 in the afternoon, in the Presidential Hall, and that I shall also have the pleasure of being present.

I avail, etc.,

PIO GULLÓN.

No. 108.

Memorandum handed by the Minister Plenipotentiary of the United States to the President of the Council of Ministers at the interview on March 29, 1898.

The President instructs me to have direct and frank conversation with you about present condition of affairs in Cuba and present relations between Spain and the United States.

The President thinks it is better not to discuss the respective views held by each nation. This might only provoke or incite argument and might delay and possibly prevent immediate decision.

The President instructs me to say that we do not want Cuba. He also instructs me to say, with equal clearness, that we do wish immediate peace in Cuba. He suggests an immediate armistice, lasting until October 1, negotiations in the meantime being had looking to peace between Spain and the insurgents, through the friendly offices of the President of the United States.

He wishes the immediate revocation of the reconcentration order, so as to permit the people to return to their farms and the needy to

be relieved with provisions and supplies from the United States, the United States cooperating with the Spanish authorities so as to afford full relief.

No. 109.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

ST. PETERSBURG, *March 30, 1898.*

I have had an interview with the Minister for Foreign Affairs. He told me that he had to-day a long talk with the United States ambassador here, who stated he felt absolutely assured there could be no conflict between Spain and the United States, since he knew the energy of the President of the Republic.

The Minister for Foreign Affairs expressed the most earnest hope of the Emperor and the Russian Government that our rights may be respected and that all danger of war may be averted. The Minister for Foreign Affairs feels satisfied with assurance of peace given him by the American ambassador.

VILLAGONZALO.

No. 110.

Reply agreed upon by the Council of Ministers, which the Minister of State handed to the United States Minister March 31, 1898.

[Translation.]

CATASTROPHE OF THE "MAINE."

Spain is ready to submit to an arbitration the differences which may arise in this matter.

RECONCENTRADOS.

General Blanco, following the instructions of the Government, has revoked in the western Provinces the bando relating to the reconcentrados, and, although this measure will not be able to reach its complete development until the military operations terminate, the Government places at the disposal of the Governor-General of Cuba a credit of 3,000,000 of pesetas, to the end that the countrymen may return at once and with success to their labors,

The Spanish Government will accept, nevertheless, whatever assistance to feed and succor the needy may be sent from the

United States, in the form and conditions agreed upon between the Assistant Secretary of State, Mr. Day, and the Spanish minister in Washington.

PACIFICATION OF CUBA.

The Spanish Government, more interested than that of the United States in giving to the Grand Antille an honorable and stable peace, proposes to confide its preparation to the insular parliament, without whose intervention it will not be able to arrive at the final result, it being understood that the powers reserved by the constitution to the Central Government are not lessened and diminished.

TRUCE.

As the Cuban chambers will not meet until the 4th of May, the Spanish Government will not, on its part, find it inconvenient to accept at once a suspension of hostilities asked for by the insurgents from the general in chief, to whom it will belong in this case to determine the duration and the conditions of the suspension.

No. III.

The Minister of State to the representatives of His Majesty abroad.

[Circular telegram.—Translation.]

MADRID, *March 31, 1898.*

At an interview on the 29th between the United States minister and the President of the Council of Ministers, at which the Minister of the Colonies and myself were present—

Mr. Woodford, after stating that his Government did not desire possession of the island of Cuba, but did desire early peace, proposed an immediate armistice, to last until October 1, during which peace may be negotiated between Spain and the insurgents, with the aid of the friendly offices of the President of the American Republic; also the immediate revocation of the order of reconcentrados, so that all may return to their homes and the needy be aided by the United States with food and supplies, cooperating with the Spanish authorities to insure relief being complete and effective. Further, the United States minister referred to the subject of the *Maine*, looking upon it as a part of the general political question.

The Government of His Majesty, after careful consideration and animated by the liveliest desire for peace, replies to-day in the following sense, which is the ultimate limit to which it can go in the way of concession.

[Here follow the propositions submitted to Mr. Woodford. See Document No. 110.]

If these bases of argument, which meet in great part McKinley's demands and are the limit of our concessions and efforts to preserve peace, are to be accepted at Washington, the valued good offices of the Sovereign (or President of Republic) and Government to which you are accredited ought to be immediately determined upon and put into effect at once, if, as we hope by the reports from your excellency, they desire to cooperate to effect the preservation of peace and the reasonable protection of our rights. You will therefore at once communicate this dispatch to the Minister for Foreign Affairs.

GULLÓN.

No. 112.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

LONDON, April 2, 1898.

Mr. Balfour says the British Government is confident that the President of the United States is as desirous as the Spanish Government to reach an arrangement satisfactory to both parties.

RASCON.

No. 113.

The Ambassador of His Majesty near the Holy See to the Minister of State.

[Telegram.—Translation.]

ROME, April 2, 1898.

Cardinal Rampolla has just been to see me in behalf of His Holiness, to tell me that the reports received from Washington are very grave. The President of the Republic desires to reach a settlement, but he is finding himself helpless against Congress. The difficulty lies in who should ask for a suspension of hostilities. The President of the Republic seems well disposed to accept the offices of the Pope, and the latter, wishing to aid us, inquires, first, if the intervention of His Holiness to ask the armistice would save the national honor; second, if such intervention would be acceptable to His Majesty and the Government. I beg an immediate answer from your excellency, as the situation is critical and the Pope asks for an early reply.

MERRY.

No. 114.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

PARIS, April 3, 1898.

The Minister for Foreign Affairs tells me that he continues actively agitation in Washington for the preservation of peace. He read to me the last dispatch received from the ambassador in the United States, which says that the American Assistant Secretary of State has not lost hope of peace and avoiding a rupture. * * *

LEÓN Y CASTILLO.

No. 115.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 3, 1898.

The naval attaché has arrived with the Spanish report of the *Maine*, which I have sent immediately to the Department of State.

The mediating forces are exercising all their influence with the President of the Republic. The sentiment for the moment is somewhat better. Congress, however, is not to be depended upon.

POLO.

No. 116.

The Minister of State to the Ambassador of His Majesty near the Holy See.

[Telegram.—Translation.]

MADRID, April 3, 1898.

The moment the United States Government is disposed to accept the aid of the Pope, the Queen of Spain and her Government will gladly accept his mediation, and, in order to facilitate the high mission of peace and concord which His Holiness is attempting, promise further to accept the proposal that the Holy Father shall formulate a suspension of hostilities; informing His Holiness that for the honor of Spain it is proper that the truce should be accompanied by the retirement of the American squadron from the waters of the Antilles, in order that the North American Republic may also show its purpose not to support—voluntarily or involuntarily—the insurrection in Cuba.

GULLÓN.

No. 117.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 4, 1898.

Archbishop Ireland, who has come here from St. Paul, by order of His Holiness, to work for peace, has been to see me. He tells me that the President of the Republic, whom he saw yesterday and early this morning, ardently wants peace; but that it is certain Congress will vote for intervention or war, if the Government of His Majesty do not aid the President and the partisans of peace.

He urged the advisability of acceding to the propositions of the United States. I replied that His Majesty's Government had acceded everything that was compatible with the national dignity. The Archbishop advised me of the instructions which His Holiness has sent to him. He showed me what efforts he had made for peace and expressed his positive conviction that Congress wants war and that the President, who wants peace, must at last give way. With deep interest he urged that we make the last effort that could be made to accede, without conditions, to the armistice. The foreign diplomats, who have been to see me, inform me that there is active discussion among the European cabinets with a view to obtaining immediate, simultaneous, identic, and general action.

POLO.

No. 118.

The United States Minister to the Minister of State.

No. 98.]

MADRID, April 6, 1898.

EXCELLENCY: I had hoped to be officially informed before 12 o'clock noon of this day that His Majesty's Government had proclaimed definite suspension of hostilities in the island of Cuba.

The President of the United States has this afternoon transmitted to the American Congress a message covering the entire Cuban question, with such recommendations as he has deemed necessary and expedient. The repose and welfare of the American people require the restoration of peace and stable government in Cuba. If armistice had been offered by the Government of Spain, the President would have communicated that fact to Congress. He has recounted the conditions in Cuba, the injurious effect upon our people, the character and conditions of the conflict, and the hopelessness of the strife. *He has not advised the recognition of the independence of the insurgents*, but has recommended measures looking to the cessation

of hostilities, restoration of the peace and stability of government in the island. He has done this in the interests of humanity and for the safety and tranquillity of the United States.

Should His Majesty's Government arrive this day at final decision with regard to an armistice, I will telegraph the text of the same to my Government, should I receive it before 12 o'clock to-night. It will thus reach the President to-morrow (Thursday) morning in time to be communicated by him to Congress to-morrow (Thursday).

With sorrow deeper than I can express, I regret that His Majesty's Government has not yet communicated to me its purpose to proclaim an immediate and effective armistice or suspension of hostilities in Cuba, lasting for a sufficient length of time to enable passions to cease and obtain permanent and honorable peace in Cuba, with the text of such proclamation.

I avail, etc.,

STEWART L. WOODFORD.

No. 119.

The Minister of State to the Minister Plenipotentiary of the United States.

[Translation.]

PALACE, April 6, 1898.

EXCELLENCY: I have the honor to reply to the esteemed communication which, by the hand of Secretary Sickles, you are pleased to address me, setting forth what I do not think to have promised, either to your excellency or to the Government you so worthily represent, concerning a declaration to be given this morning.

No declaration addressed to the President of the United States or to the minister of that Republic at Madrid relative to a suspension of hostilities can add to what, on March 29 last, by accord of the Government of which I form part, I had the honor to transmit to your excellency as a reply to the concise demands which you submitted to us in the Presidency of the Council asking a reply in a very peremptory period.

Sharing the regret your excellency has the kindness to express, I avail, etc.,

P10 GULLÓN.

No. 120.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 6, 1898.

Archbishop Ireland has just visited me again, stating that the President's message will be sent in to-morrow, Wednesday. He

thinks immediate concession of the armistice would be most advisable and that it would place the insurgents in a very disadvantageous position. With regard to the withdrawal of the American squadron, he says it is impossible to obtain that now; but he offers, personally, to remain in Washington and hopes he can obtain it after our concession.

POLO.

No. 121.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 7, 1898.

The representatives of the six great powers have personally presented to Mr. McKinley a collective note making a pressing appeal to the feelings of humanity and moderation of the President and of the American people in their existing differences with Spain, and the hope that further negotiations will lead to an agreement which, while securing the maintenance of peace, will afford all necessary guaranties for the reestablishment of order in Cuba.

The President replied, recognizing the humanitarian and disinterested character of the collective communication and sharing the desire therein expressed for the termination of the chronic condition of disturbance in Cuba which injures American interests and shocks the sentiment of humanity.

POLO.

No. 122.

The Minister Plenipotentiary of the United States to the Minister of State.

No. 99.]

MADRID, April 7, 1898.

EXCELLENCY: Since sending to your excellency my note, No. 98, dated April 6 instant, I learn from my Government that the President of the United States has not sent to Congress his proposed message covering the entire Cuban question, with such recommendations as he might deem necessary and expedient. I am further officially informed that such message will not be sent to Congress until Monday next, April 11 instant. As the fact upon which the urgency of my note was based has thus been postponed, it becomes my pleasant duty to withdraw my said note, No. 98, dated April 6 instant. I do this gladly, as it is very far from the purpose of the United States even to seem to put any pressure upon the action of Spain.

I avail, etc.,

STEWART L. WOODFORD.

No. 123.

The Minister of State to the Ambassador of Austria-Hungary.

[Translation.]

PALACE, April 9, 1898.

EXCELLENCY: The Government of His Majesty has duly considered the friendly and collective visit with which your excellency and your colleagues, the representatives of the other great European powers, favored me this morning at my house; and fully appreciates, also, the observations and counsels which, as a consequence of the action taken in Washington by the envoys of your respective Governments, you are pleased unanimously to suggest that Spain shall accede to the solicitation of His Holiness Pope Leo XIII, and grant in Cuba a suspension of hostilities, which your excellencies believe compatible with the honor and prestige of our arms in that autonomous Spanish province.

Acting upon the confidential suggestions of your excellencies and, at the same time, meeting the wishes of the Pontifice, the Government of His Majesty has decided to inform the Holy Father that, on this date, it will instruct the governor in chief of the army in Cuba that he may concede immediately suspension of hostilities, to continue for the time he may deem prudent, to arrange and facilitate the desired peace.

In begging your excellency to be pleased to acknowledge the receipt of this confidential communication, I avail, etc.,

PIO GULLÓN.

No. 124.

The Ambassador of Austria-Hungary to the Minister of State.

[Translation.]

MADRID, April 9, 1898.

MR. MINISTER: I have the honor to acknowledge receipt of the confidential communication which your excellency is pleased to send me concerning the orders given for suspension of hostilities in Cuba.

At the same time, I hasten to tender to the Government of Her Majesty the Queen Regent my heartiest congratulations for an act which attests greatness of heart and which, I am firmly convinced, will be universally and duly appreciated.

V. DUBSKY.

No. 125.

The Minister of State to the Ambassador of His Majesty near the Holy See.

[Telegram.—Translation.]

MADRID, *April 9, 1898.*

Please express, without loss of a moment, to His Eminence Cardinal Rampolla, to be communicated to His Holiness, that the Spanish Government, in view of the earnest, noble, and disinterested solicitude of His Holiness, has determined to direct the general in chief of the army in Cuba that he may grant immediate suspension of hostilities for the time he may deem prudent, to arrange and facilitate the desired peace.

In having the satisfaction of thus fulfilling the desires of the venerable Pontiff, I have also the pleasure to inform him that the ambassadors in Madrid of the six great powers, visiting me in a body this morning, have coincided in their suggestions with His Holiness. Therefore we would remind him of our previous telegrams, trusting always that he will watch out earnestly that our just request for consideration may be satisfied and the prestige of this Catholic nation remain unimpaired.

GULLÓN.

No. 126.

The Minister of State to the ambassadors of His Majesty in Paris, Berlin, Vienna, London, Rome, and St. Petersburg.

[Telegram.—Translation.]

MADRID, *April 9, 1898.*

Your excellency will please inform the Minister for Foreign Affairs that, in view of the earnest and reiterated solicitation of His Holiness, reenforced by the friendly counsels of the representatives of the great powers in a collective and confidential communication made to me this morning, as a consequence of the action of their Governments in Washington, the Government of His Majesty has determined to inform the Holy Father that, on this date, the general in chief of the army in Cuba is instructed that he may concede immediately a suspension of hostilities for the period he may deem prudent to arrange for peace on the island. I need not reiterate to your excellency the desirability of availing of the occasion in order that the Government near which you are may show its friendly dispositions with a view to securing the consideration in return which we expect as natural and just, as well in the matter of the situation of the American squadron as in the suppression of anything that may encourage the insurgents and jingoes.

GULLÓN.

No. 127.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, April 9, 1898.

The ambassadors of the great foreign powers this morning made me a collective and confidential visit, as a consequence of the action of their Governments in the United States, recommending earnestly to the Government of His Majesty the concession asked by the Holy Father of a suspension of hostilities in Cuba, which they deem entirely compatible with the honor of our arms and called for by the existing circumstances in order to avoid a conflict.

The Government of His Majesty has resolved to accede to the desires of the Holy Father and of the great powers, and to instruct the general in chief of the army in Cuba that he may concede immediately a suspension of hostilities for the period he may deem prudent, in order to arrange and facilitate peace on the island.

Please so inform the United States Government.

We hope that so important a decision may be duly responded to by the public authorities of the United States.

GULLÓN.

No. 128.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 10, 1898.

When I received your excellency's telegram concerning suspension of hostilities, the fact had already been communicated to this Government through the secretary of His Holiness and through the minister of the United States at Madrid.

Senator —— is a strong friend of mine and went yesterday to see the President. He assures me that he made a good impression on the President, and that in consequence he has modified the message.

POLO.

No. 129.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 11, 1898.

The President has presented to Congress a message of more than seven thousand words. After a historical review, picturing in

gloomy colors, in the usual American style, the Cuban insurrection, treatment of the reconcentrados, recognizing the last effort made by Spain, it alludes to the character of the Cuban war, which could only be ended by extermination. It reviews the efforts of Woodford and the response of the Spanish Government, saying that, with this last proposition to procure immediate peace and its unfavorable reception by Spain, the Executive power has reached the limit of its resources. It then quotes paragraphs of the message of December 1 and the words of Grant in 1875 and those of President Jackson upon the recognition of the independence of Texas. Then comes the following:

Nor from the standpoint of expediency do I think it would be wise or prudent for this Government to recognize at the present time the independence of the so-called Cuban Republic. Such recognition is not necessary in order to enable the United States to intervene and pacify the island. To commit this country now to the recognition of any particular government in Cuba might subject us to embarrassing conditions of international obligation toward the organization so recognized. In case of intervention our conduct would be subject to the approval or disapproval of such government. We would be required to submit to its direction and to assume to it the mere relation of a friendly ally.

When it shall appear hereafter that there is within the island a government capable of performing the duties and discharging the functions of a separate nation, and having, as a matter of fact, the proper forms and attributes of nationality, such government can be promptly and readily recognized and the relations and interests of the United States with such nation adjusted.

There remain the alternative forms of intervention to end the war, either as an impartial neutral by imposing a rational compromise between the contestants, or as the active ally of the one party or the other.

As to the first, it is not to be forgotten that during the last few months the relation of the United States has virtually been one of friendly intervention in many ways, each not of itself conclusive, but all tending to the exertion of a potential influence toward an ultimate pacific result, just and honorable to all interests concerned. The spirit of all our acts hitherto has been an earnest, unselfish desire for peace and prosperity in Cuba, untarnished by differences between us and Spain, and unstained by the blood of American citizens.

The forcible intervention of the United States as a neutral to stop the war, according to the large dictates of humanity and following many historical precedents where neighboring states have interfered to check the hopeless sacrifices of life by internecine conflicts beyond their borders, is justifiable on rational grounds. It involves, however, hostile constraint upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement.

The grounds for such intervention may be briefly summarized as follows:

First. In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and is therefore none of our business. It is specially our duty, for it is right at our door.

Second. We owe it to our citizens in Cuba to afford them that protection and indemnity for life and property which no government there can or will afford, and to that end to terminate the conditions that deprive them of legal protection.

Third. The right to intervene may be justified by the very serious injury to the commerce, trade, and business of our people, and by the wanton destruction of property and devastation of the island.

Fourth, and which is of the utmost importance. The present condition of affairs in Cuba is a constant menace to our peace, and entails upon this Government an enormous expense. With such a conflict waged for years in an island so near us and with which our people have such trade and business relations—when the lives and liberty of our citizens are in constant danger and their property destroyed and themselves ruined—where our trading vessels are liable to seizure and are seized at our very door by war ships of a foreign nation, the expeditions of filibustering that we are powerless to prevent altogether, and the irritating questions and entanglements thus arising—all these and others that I need not mention, with the resulting strained relations, are a constant menace to our peace, and compel us to keep on a semiwar footing with a nation with which we are at peace.

These elements of danger and disorder already pointed out have been strikingly illustrated by a tragic event which has deeply and justly moved the American people. I have already transmitted to Congress the report of the naval court of inquiry on the destruction of the battle ship *Maine* in the harbor of Habana during the night of the 15th of February. The destruction of that noble vessel has filled the national heart with inexpressible horror. Two hundred and fifty-eight brave sailors and marines and two officers of our Navy, reposing in the fancied security of a friendly harbor, have been hurled to death, grief and want brought to their homes and sorrow to the nation.

The naval court of inquiry, which, it is needless to say, commands the unqualified confidence of the Government, was unanimous in its conclusion that the destruction of the *Maine* was caused by an exterior explosion, that of a submarine mine. It did not assume to place the responsibility. That remains to be fixed.

In any event the destruction of the *Maine*, by whatever exterior cause, is a patent and impressive proof of a state of things in Cuba that is intolerable. That condition is thus shown to be such that the Spanish Government can not assure safety and security to a vessel of the American Navy in the harbor of Habana on a mission of peace, and rightfully there.

Further referring in this connection to recent diplomatic correspondence, a dispatch from our minister to Spain, of the 26th ultimo, contained the statement that the Spanish Minister for Foreign Affairs assured him positively that Spain will do all that the highest honor and justice require in the matter of the *Maine*. The reply above referred to of the 1st instant also contained an expression of the readiness of Spain to submit to an arbitration all the differences which can arise in this matter, which is subsequently explained by the note of the Spanish minister at Washington of the 10th instant, as follows:

"As to the question of fact which springs from the diversity of views between the reports of the American and Spanish boards, Spain proposes that the facts be ascertained by an impartial investigation by experts, whose decision Spain accepts in advance."

To this I have made no reply.

Then follows a quotation from Grant's message of 1875 concerning mediation or intervention, and from Cleveland's last message, and closes thus:

The long trial has proved that the object for which Spain has waged the war can not be attained. The fire of insurrection may flame or may smolder with varying seasons, but it has not been and it is plain that it can not be extinguished by present

methods. The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop.

In view of these facts and of these considerations, I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes.

And in the interest of humanity and to aid in preserving the lives of the starving people of the island I recommend that the distribution of food and supplies be continued, and that an appropriation be made out of the public Treasury to supplement the charity of our citizens.

The issue is now with the Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors. Prepared to execute every obligation imposed upon me by the Constitution and the law, I await your action.

Yesterday, and since the preparation of the foregoing message, official information was received by me that the latest decree of the Queen Regent of Spain directs General Blanco, in order to prepare and facilitate peace, to proclaim a suspension of hostilities, the duration and details of which have not yet been communicated to me.

This fact with every other pertinent consideration will, I am sure, have your just and careful attention in the solemn deliberations upon which you are about to enter. If this measure attains a successful result, then our aspirations as a Christian, peace-loving people will be realized. If it fails, it will be only another justification for our contemplated action.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *April 11, 1898.*

I await your excellency's instructions.

POLO.

No. 130.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

BERLIN, *April 11, 1898.*

I have just seen the Secretary of State. He informs me that he has news from Washington showing the President of the Republic in a conciliatory and prudent attitude.

He told me the reports said nothing of the Presidential message, for which reason he supposed it would not be sent to Congress to-day, as had been announced, and he looked upon this delay as a very good augury.

He added that the instructions to the German ambassador in the United States were to do all that was possible in behalf of peace, in accord with the other powers.

MENDEZ VIGO.

No. 131.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Translation.]

WASHINGTON, April 12, 1898.

EXCELLENCY: As I had the honor to inform your excellency, on the 10th I delivered to Honorable Mr. Day, Assistant Secretary, acting as Secretary of State of the United States, the memorandum which I inclose herewith, together with an English translation.

Averse to taking the initiative in matters of such transcendent importance, I nevertheless believed that, at this critical moment, it was most opportune to make known here in a solemn manner Spain's position and the singular injustice of the public opinion of this country with regard to the Cuban question; the little or total lack of appreciation of the efforts and sacrifices of every kind made by our nation; and, finally, the unreasonableness of claiming to find responsibility for Spain in the unfortunate catastrophe of the *Maine*, apparently forgetting the declarations of Her Majesty the Queen Regent, of her Government, and of the Spanish authorities, and the conduct of the latter and of the authorities of Habana upon the sad occurrence.

The certainty I have that it is desired to make use of that catastrophe against us—which public opinion of this country, in the craze to which the sensational press has aroused it, and the no less sensational members of Congress, attribute to Spain—induced me to touch upon this delicate question in the way in which, in my judgment, would best represent the views of the Government of His Majesty.

The ambassadors of Her Britannic Majesty and of France pressed me to present the aforesaid memorandum, and especially to allude to the question of the *Maine*, they feeling certain that it was believed that the Government of His Majesty had not given any expression of sorrow, nor any disposition to reach a just agreement in the matter, if opportunity should be given.

I have given, confidentially, copy of the aforesaid memorandum to the representatives of the six great powers, who, day before yesterday, sent a telegraphic extract to their respective Governments and by to-day's mail are remitting copies thereof.

I also append copy of the acknowledgment of receipt of the memorandum.

I trust your excellency will be kind enough to approve my conduct in this matter.

LUIS POLO DE BERNABÉ.

[Inclosure A.—Translation.]

Memorandum.

LEGATION OF SPAIN AT WASHINGTON,
Washington, April 10, 1898.

The minister plenipotentiary of Spain has the honor to state to the honorable Secretary of State of the United States of America that Her Majesty the Queen Regent, acceding to the reiterated desires of His Holiness and inspired by the sentiments of concord and peace which animate her, has given appropriate instructions to the general in chief of the army of Cuba, to the end that he shall concede an immediate suspension of hostilities for such time as he shall deem prudential, in order to prepare and facilitate peace in that island.

General Blanco has to-day published the corresponding bando, and reserves to himself to determine in another bando the duration and other details of its execution, with the sole aim that so transcendental a measure shall lead within the shortest possible time to the desired pacification of the Great Antille.

In deciding upon the duration thereof, the general in chief, inspired by the highest sentiments—far from raising difficulties or obstructions—is prepared to grant every possible facility.

The Government of His Majesty, by this most important step, has set the crown to her extraordinary efforts to obtain the pacification of Cuba through the instrumentalities of reason and of right.

The autonomic constitution, which gives to the inhabitants of the island of Cuba a political system at least as liberal as that which exists in the Dominion of Canada, will within a short time enter upon the stage of complete development, when, after the elections have been held, the insular parliament will meet at Habana on the 4th of May next; and the franchise and liberties granted to the Cubans are such that no motive or pretext is left for claiming any fuller measure thereof.

Nevertheless, as the island of Cuba is represented in the Cortes of the Kingdom, a privilege which is not enjoyed by any other foreign autonomic colony, the Cuban senators and deputies in the Cortes may there present their aspirations if they desire more.

No one knowing the liberal spirit of the majority in the recently elected Spanish Cortes and the patriotic attitude of the principal parties in opposition can doubt that the Cubans will obtain whatever changes they may justly desire, within the bounds of reason and of the national sovereignty, as is solemnly offered in the preamble of the royal decree of November 5, 1897, at which time the Government of His Majesty declared that it would not withdraw or permit the withdrawal of any colonial liberties, guaranties, and privileges.

The abrogation of the decree of reconcentration and the assistance of every kind which the Government of His Majesty has granted and permitted to be extended to the reconcentrados have at last terminated a lamentable condition of things, which was the unavoidable consequence of the sanguinary strife provoked by a small minority of the sons of Cuba, and who have been mainly led and sustained by foreign influences.

No impartial mind, having full knowledge of the facts which have never on any occasion been perverted, as those relating to the Cuban question have been and are now perverted, can justly impute to Spain remissness in endeavoring to reach the means of pacification of the island, nor illiberality in granting privileges, liberties, and franchises for the welfare and happiness of its inhabitants. The Government of His Majesty doubts not that this will be recognized by the United States Government, even as it must recognize the manifest injustice with which a

portion of the public opinion of this country claims to discover responsibilities on the part of Spain for the horrible catastrophe which took place on the calamitous night of the 15th of February last. Her Majesty the Queen Regent, her responsible Government, the Governor-General of Cuba, the insular government, and all the higher authorities of Habana displayed from the first moment the profound sorrow and the sentiments of horror which that measureless misfortune caused to them, as well as the sympathy which on that melancholy occasion linked them to the American Government and people.

Proof of this is found in the visits of His Majesty's chargé d'affaires to the illustrious President of the United States, the visits made by the highest officers of the Spanish State to Mr. Woodford, the assistance unsparingly given to the victims, the funeral obsequies which were provided for them by the municipal council of Habana, and the notes addressed to the Department of State by this legation under date of February 16 and 17 and the 2d instant, bearing the respective numbers 12, 13, 14, and 23.

The officers and crews of His Majesty's war vessels lying near the *Maine*, heedless of the evident peril that menaced them, as is testified by the officers of that American ironclad, immediately lowered their boats, saving a large number of the wrecked ship's men, who alone owe their lives to the instant and efficient aid of the Spanish sailors.

It is singular that these well-known facts and impressive declarations seem to have been forgotten by public opinion, which instead lends credence to the most absurd and offensive conjectures.

The Government of His Majesty would very greatly esteem the sense of justice and the courtesy of the United States Government were an official statement to set the facts in their true light, for it would seem that they are ignored and the failure to appreciate them is potentially contributing to keep up an abnormal excitement in the minds of the people that imperils, causelessly and most irrationally, the friendly relations of the two countries.

As for the question of fact which springs from the diversity of views between the reports of the Spanish and American boards, the Government of His Majesty, although not yet possessed of the official text of the two reports, has hastened to declare itself ready to submit to the judgment of impartial and disinterested experts, accepting in advance the decision of the arbitrators named by the two parties, which is obvious proof of the frankness and good faith which marks the course of Spain on this as on all occasions.

The minister of Spain trusts that these statements, inspired by the earnest desire for peace and concord which animates the Government of His Majesty, will be appreciated at their just worth by the Government of the United States.

[Inclosure B.]

Mr. Sherman to Señor Polo de Bernabé.

DEPARTMENT OF STATE,

Washington, April 12, 1898.

The Secretary of State has the honor to acknowledge the receipt of the memorandum in regard to the Cuban question which was delivered by the Spanish minister to the Assistant Secretary of State on the 10th instant, and of the translation thereof which accompanied the minister's note verbale of the 11th instant, reserving examination and consideration of the statements therein contained.

No. 132.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 13, 1898.

The Senate Committee on Foreign Relations has presented a slanderous report, based principally on the destruction of the *Maine*, proposing a joint resolution declaring the Cuban people free, demanding that the Spanish Government immediately withdraw its authority and retire its army and navy from Cuba, and directing the President to use the Federal and militia forces to carry the resolution into effect. The committee of the House of Representatives has submitted a joint resolution authorizing the President to intervene immediately in the war in Cuba, with a view to secure peace and order and establish, through the free action of the Cuban people, a stable and independent government, to which purpose the President is authorized to use the public forces.

This proposition received an immense majority of votes in the House of Representatives. It will be referred to the Senate. If that body does not accept it, the matter will go to a conference committee.

POLO.

No. 133.

The Minister of State to the Ambassador of His Majesty near the Holy See.

[Telegram.—Translation.]

MADRID, April 14, 1898.

The expected resolutions of the Congress of the United States will probably oblige His Majesty's Government to adopt a new course of action, the character of which must be decided by circumstances; but having already accepted the mediation of His Holiness, it deems it its duty to consider for this purpose any last suggestion of the Holy Father, not only because it entertains hope from his elevated and kindly mission of a pacific result compatible with our honor and national dignity, but as an indication of respect and gratitude to the Holy See, so that the justice of our cause may meet with holy sanction.

GULLÓN.

No. 134.

The Minister of State to the ambassadors of His Majesty in Paris, London, Vienna, Berlin, Rome, St. Petersburg, and the Holy See.

[Telegram.—Translation.]

MADRID, *April 14, 1898.*

The House of Representatives of the United States, after insinuating irritating and groundless charges against Spain, and setting forth, as a consequence of the casualty to the *Maine*, the most uncalled-for and intolerable aspersions, has passed, by an immense majority, a resolution authorizing the President of the Republic to intervene immediately, even by means of force, in the government and internal life of an autonomous Spanish province. If passed by the Senate and approved by the President, this proposition will raise a constitutional situation in the United States and an actual menace which our dignity does not deem compatible with a continuation of diplomatic relations. The Spanish Government, having accepted the invitation of the Holy Father and deferred to the counsels of the great powers, has gone to the extreme in its moderation and painful sacrifice to maintain and facilitate peace, and must now demonstrate—in an eventuality it considers inevitable—due and proper determination to defend its territory and its national honor. Without regard to the recital of the facts and most salient communications during this period of our relations with the United States, which will soon be given to all foreign governments, the Spanish Government now looks to the impartiality and fairness of the great European powers to the end that, in the light of universal right and Christianity, they may take cognizance of the attempt which, without justice, pretext, or reason, is about to be consummated, and may then determine upon the attitude of Europe on a question of such complex importance.

Your excellency will please read this telegram to the Minister for Foreign Affairs.

GULLÓN.

No. 135.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

ROME, *April 15, 1898.*

I have just read to the Minister for Foreign Affairs your excellency's dispatch, and he answers me, as heretofore, that the Italian Government is disposed to cooperate with the great powers to obtain peace. * * *

MAZO.

No. 136.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 15, 1898.

The Senate has passed a joint resolution, even more violent than that of the House of Representatives. The two, being different, will be referred to the conference committee.

POLO.

No. 137.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

BERLIN, April 15, 1898.

—Having read to the Secretary of State your excellency's telegram received this morning, he told me he would at once communicate its purport to the Emperor, who, as you know, is absent. I informed the Secretary of State how much we had done to avoid war, which now seems imminent, and the calmness with which we would meet it in defending our dignity and right. He answered that such seemed the fact, but that he yet had hope, because the powers were now planning another manifestation in a more adequate form.

* * * * *

He said that Germany would join in the proposition, which should be agreed upon by all. * * *

MENDEZ VIGO.

No. 138.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

LONDON, April 15, 1898.

I have communicated to the Minister for Foreign Affairs the text of your excellency's telegram of last night. He told me, as his personal opinion, that until the President of the Republic approves the resolution of Congress it ought not to be a matter of official action. * * *

RASCON.

No. 139.

The Ambassador of His Majesty near the Holy See to the Minister of State.

[Telegram.—Translation.]

ROME, April 16, 1898.

Cardinal Rampolla has just sent me a reply to your excellency's telegram of the 14th. His Holiness says he deplores that his inter-

vention, seconded by the great powers, has not brought about the result he desired. His Holiness does not abandon hope, although slender, that the effervescence of passion will be followed by the calmness of wisdom, which will open a way to an honorable settlement.

He leaves it to the judgment and free action of the Government of His Majesty to adopt the measures which it may deem necessary for the protection of its rights and dignity; but since Spain desires to know the last suggestion of the Pope so far as compatible with the honor and right of Spain, to which His Holiness could not be indifferent, he recommends not to precipitate events and to preserve the calmness and dignity which have won such sympathy in the civilized world.

MERRY.

No. 140.

The Minister of State to the representatives of His Majesty abroad.

[Translation.]

MADRID, April 18, 1898.

EXCELLENCY: The gravity of the situation and the imminence of a rupture of diplomatic relations with the United States moves His Majesty's Government to address to the friendly powers the inclosed memorandum, containing a statement of facts up to this time, beginning with the commencement of the present Cuban insurrection.

Of the two copies which accompany this royal order, one is for your excellency's careful examination and for filing in the archives of the embassy (or legation) in your charge, and the other should be delivered, without loss of time, to the Minister for Foreign Affairs, in the name of His Majesty's Government; stating that, on account of the rapidity with which events are taking place, it is possible that even at the moment of delivery of the memorandum new conditions may have arisen to change or modify what is therein set forth.

The object of the Government of His Majesty is to set forth, for the consideration of friendly powers, the right and justice of our position, which offers a marked contrast to the conduct of the United States.

By royal order I communicate this for your excellency's information and for the aforesaid action.

PIO GULLÓN.

[Inclosure.—Translation.]

Memorandum.

From the commencement of the present insurrection in Cuba in February, 1895, it was evident that the insurgents were receiving moral and material support from the United States. Numerous filibustering expeditions have started from the

shores of North America; a committee has been meeting at New York which openly proclaims that it is organizing the rebellion; the flag of the pretended Cuban Republic has been carried on semiofficial occasions; loans for the rebels have been authorized; periodicals, books, and pamphlets have been published attacking Spain; and, in a word, many other means have been employed for encouraging the fratricidal struggle.

In April, 1896, President Cleveland, through his Secretary of State, Mr. Olney, offered Spain his good offices for restoring peace in Cuba. The Cabinet, presided over by Señor Canovas, did not feel able to accept them; but they expressed their gratitude to the United States, and informed them of their intention to enlarge the political constitution, dwelling upon the advantage of assisting in the pacification.

While these friendly offers were being made the filibustering expeditions continued. Nevertheless, it is only just to admit that, during the Administration of Mr. Cleveland, the abuses and acts of interference did not, in general, assume the proportions which they reached later.

When Mr. McKinley had been President for three months the new Administration decided to formulate, in a note dated the 26th June, 1897, bitter censures on the manner in which the war in Cuba was being conducted. Señor Canovas's Cabinet gave a full reply to the accusations formulated by Mr. Sherman, rebutting the charges of inhumanity and cruelty attributed to the Spanish army, and drawing attention to the acts of extraordinary severity which took place in the United States during the war of secession.

The arrival of Mr. Woodford, as minister plenipotentiary of the United States, marks a fresh epoch in our relations with that Republic. His first official actions made it clear that the new representative of North America had instructions to approach the Cuban problem with the idea of overshadowing or limiting the sovereignty of Spain.

In his first official note, dated the 23d September, 1897, he already indicated this policy, making it clear that, in the opinion of his Government, the hope was illusory that relations could be maintained between the Peninsula and Cuba, even remotely similar to those formerly existing between the colony and the mother country. It was no doubt on this account that the United States, in again offering on this occasion their good offices for ending the war, made no reference, as was expressly done by Mr. Olney, to the decided intention of respecting Spanish sovereignty in Cuba.

When the political crisis of the 5th of October took place, the then Cabinet found itself under the necessity of replying to Mr. Woodford's note.

This duty they carried out on the 23d of the same month, pointing out the advantageous position in which the Liberal Government found themselves for settling the Cuban question, owing to their rooted confidence in the establishment of autonomy, which, by a happy coincidence, appeared to be the same system as that proposed by the United States.

Indeed, President Cleveland, in his message of the 7th December, 1896, said that "if Spain offered Cuba a real measure of autonomy which, while preserving Spanish sovereignty, satisfied the reasonable demands of her subjects, there would be no just reason why the pacification of the island should not be effected on that basis." The Spanish Government could not believe that so categorical a declaration by the President of the United States would be disavowed and even denied by his immediate successor.

On the 25th November, then, the decrees were published granting the new autonomous constitution to Cuba and Porto Rico, and the illustrious General Blanco, whose appointment merited a favorable reception from his fellow-countrymen and from foreigners alike, had then already proceeded to Cuba to establish the constitution and carry on the military operations.

The President of the United States, in his message of the 6th December, 1897, and Mr. Woodford, in his note of the 20th of that month, recognized the importance of the change effected and the loyalty and spontaneity with which His Majesty's Government acted, but both also took care to hint that the scheme must be judged by its results, and that, therefore, all that could be expected of the United States was good will in waiting until, in the near future, it should be known whether the indispensable conditions had been realized of a peace just alike to Spain and Cuba and equitable to the United States.

The reserve with which the new autonomous constitution was received shows that there was a preconceived plan to render it nugatory and cause it to break down in order to realize the covetous and traditional ambition of North America.

The year 1898 opened with the formation of the insular government of Cuba. It was not long before its beneficial effects made themselves felt as anticipated. Many rich men who had voluntarily emigrated from Cuba returned to their homes; discord and doubt began to appear in the insurgent ranks; important adhesions took place; and so much confusion was produced in the rebel armies that it became necessary for their chiefs to impose exemplary and severe punishments and threaten with the penalty of death those who attempted to give in their adhesion.

From that moment the change in the attitude of the United States also became more pronounced.

A mutiny which broke out at Habana in the early part of January, but which had no concern with the American colony in that town, served as a pretext for sending the *Maine* to the capital of Cuba without any notice, except a message sent a few hours before her arrival, and from the same date the North American squadron was made ready and warlike preparations were made with the plain object, or at least the inevitable result, of reviving the sinking spirits of the insurgents in the prospect of an international conflict.

Assistance to the "reconcentrados" in Cuba, generously permitted by Spain, also served as a pretext for sending other ships to the ports of the island; and although His Majesty's Government, as a rule, prevented the supplies from being sent in men-of-war, the mischievous purpose of America was no less clear.

Meanwhile, on the 1st February, His Majesty's Government replied to Mr. Woodford's second note of the previous 20th December, and, while combating the erroneous statements respecting neutrality, established the true and honorable doctrine of the duties of international amity, indicating the rights of Spain, and addressing a fresh appeal to the United States to cooperate in the work of peace, justice, and autonomy undertaken by the Spanish Government in Cuba.

The incident of the publication of a private letter of the Spanish minister at Washington, Señor Dupuy de Lôme, which His Majesty's Government settled by accepting his resignation, and the terrible catastrophe of the blowing up of the *Maine* have been skillfully exploited to provoke a conflict between Spain and the United States.

The eager charity with which both the authorities and private persons tended the victims of the horrible catastrophe of the *Maine* did not suffice to stop the infamous calumny which attributes the responsibility to Spain. The American naval commission refused to carry on its work of investigation side by side and conjointly with the Spanish commission, and on the ground of the extraterritoriality of the vessel refused the Spaniards permission to enter it to make their examination. For their part, eager to save the commander and surviving officers from responsibility, they reported to the effect that the explosion was the result of an external cause. This report naturally excited men's minds and gave rise to rancor against Spain, as hot as it was unjustifiable. The President of the Republic, unwilling to treat the matter as between Government and Government, and without

even waiting to receive the Spanish report, which maintains the contrary theory—that is, that the explosion was caused by occurrences or action from within—brought the matter before the Chambers, where, as was to be foreseen, it produced an outburst of passion. Nevertheless, the Spanish Government, sure that neither itself nor its officers, nor even any of its subjects, were under any responsibility for this lamentable misfortune, showed and continues to show itself calm, and has offered to submit the matter to the decision of one or more impartial arbitrators, whose award it is ready to accept.

The determined intention of exploiting the blowing up of the *Maine* as a means of exciting political passions thus became clear and obvious from the moment when the noble and honorable proposal made by Spain to submit the question to arbitration was refused.

During the whole time which has passed up to now—that is, during a period of three years—the incidents occasioned by the United States have been infinite and their harassing protests as vexatious as they have been numerous.

His Majesty's Government, animated by a spirit of accommodation and desirous of attaining and securing a peace which offered the only termination of those incidents, made all the concessions possible, incurring at times unpopularity or blame among its fellow-citizens and dependents. Thus, in the case of the *Alliance* and in the payment of the Mora indemnity; in offering explanations for the lecture of the naval officer, Señor Concas; in at once liberating the leaders, Pancho Carrillo and Sanguily, and subsequently all those implicated in the insurrectionary movement; in acceding to the suspension of the execution of the pirates of the filibustering schooner *Competitor* and afterwards pardoning them; in granting permits for the exportation of tobacco, which destroyed the effect of the decree of prohibition; in submitting to an international commission of inquiry the supposed murder of the dentist Ruiz; in giving permission for the duty-free entry of the supplies sent to the reconcentrados (a permission which has led to cases of scandalous fraud); and, lastly, in consenting to the journey of the lady president of the American Red Cross to Cuba, His Majesty's Government has given too many proofs of its determination to walk in the paths of peace and cordiality of international relations.

Instead of meeting these numerous concessions, which may be characterized as true sacrifices, the United States have continued their persistent campaign of demands, while their consuls in Cuba adopted an attitude of provocation; encouraging the fraudulent and clandestine naturalization of Cubans; requiring the sending of supplies to the reconcentrados; presenting numerous and absurd claims for supposed injuries to naturalized citizens; protecting those who had taken up arms against Spain; giving an arbitrary and unjust interpretation to the treaty of 1795 and the protocol of 1877; constantly maintaining violent discussions in Congress, during which unheard-of insults were hurled at Spain—finally concentrating and arming their squadrons and making military preparations, which are a constant menace to the Spanish nation.

And, as if this great provocation and constant pressure were not sufficient, the United States, through Mr. Woodford, and without previous explanation or any justification for their precipitation, demanded on the 23d March that a proposal should be made in a very short time for bringing about immediate and permanent peace in Cuba, threatening that if the proposal did not appear to them satisfactory the President would submit to the American Congress, at the same time as the *Maine* report, the Cuban question as a whole.

President McKinley has already forgotten his promise to allow Spain a reasonable term for trying autonomy; Mr. Woodford puts aside his own statement contained in his note of the 2d December, 1897, to the effect that the work undertaken

in Cuba required time for development and taking root; and before three months had elapsed since the establishment of the new constitution, and before enough time has passed to assemble and consult the insular parliament, the United States call the autonomy a failure, and, surprised that the pacification is not an accomplished fact, require that it should be completed in a very few days, as if it only depended on the will of the mother country.

His Majesty's Government, restraining their natural and patriotic impulse to reply to such unwarrantable demands as they deserved, protested on the 25th March that the report on the blowing up of the *Maine* should not be submitted to a deliberative Chamber, both numerous and passionate, and, observing that the peace of Cuba would be attained both easily and speedily if only the United States would put in practice some of the just measures suggested to them by His Majesty's Government, it pointed out that it must necessarily reckon with the parliament and government of the island for the preparation of an honorable and immediate peace in the island of Cuba.

This reply did not appear sufficient to the Washington Cabinet, and, on the 29th March, at an interview which Mr. Woodford requested with the President of the Council, Señor Sagasta, and the Ministers of State and of the Colonies, he presented a memorandum, which contained the American pretensions.

This short paper clearly states that the United States do not desire possession of Cuba, but only its immediate pacification, and proposes as a means of securing it the concession of an armistice, to be prolonged until the 1st October, during which peace should be negotiated between Spain and the insurgents, Spain counting for that purpose on the friendly offices of the President of the United States, granting an immediate repeal of the order for reconcentration and allowing the North American Federation to continue sending help.

Again His Majesty's Government restrained their patriotic impulses, and, as a sacrifice to peace—the highest blessing of nations—presented definitively the conclusions at which it had arrived, setting them forth in the four following points:

1. Spain is ready to submit to arbitration the differences which may arise with regard to the *Maine* catastrophe.

2. General Blanco, under the instructions of the Central Government, has canceled the decree of reconcentration as regards the western Provinces, and, although this measure can not be fully carried out until the determination of military operations, the Government places at the disposal of the Governor-General a credit of 3,000,000 pesetas, in order that the countrymen may return at once, and with success, to their work.

The Government will, moreover, accept the supplies sent by the United States, provided they are sent to Cuba in merchant vessels and distributed by the Spanish protective committees.

3. The Spanish Government, more interested than that of the United States in giving an honorable and stable peace to the Great Antilla, propose to intrust its preparation to the insular parliament, although it must be understood that the powers reserved by the constitution to the Central Government are not on this account lessened or diminished.

4. As the Cuban chambers will not meet till the 4th May, the Spanish Government would see no inconvenience in accepting an immediate suspension of hostilities if asked for by the insurgents of the general in chief, whose duty it will be to determine its duration and conditions.

Still the Government of the United States are not satisfied. To the proposal of arbitration respecting the *Maine* question, they reply by submitting to the Congress the report of the American sailors, and, as regards the pacification and the truce, they insist on their original demands.

The Spanish Government concedes no more, nor could it do so. In what concerns the Washington Cabinet it had reached the limit at which concession is compatible with the national self-respect and dignity. Consequently, after the last vexatious exchange of proposals, it considered as imminent the conflict which it had made so many sacrifices to avoid.

In this position of affairs the common Father of the Faithful, His Holiness Leo XIII, offered to Spain and the United States his friendly and pacific offices, and, with the object of giving effect to his fatherly mediation, urged upon Spain the request that she would grant a suspension of hostilities in Cuba. At the same time the six great powers, also undertaking the work of peace—appreciated by Spain at its full value—approached the President of the United States at Washington, and, in a collective note, expressed to him their desire that the conflict might be settled peacefully by means of fresh diplomatic negotiations. They also submitted similar language to the Spanish Government in a confidential and collective manner, but in the warmest and most expressive terms, and giving clear proof of their affection for the Spanish nation they supported the request of the Holy Father in regard to the suspension of hostilities.

His Majesty's Government, who on this point had pronounced the last word which they could address to the United States, could not refuse to listen to the prayers of the head of their religion and of the European powers, who are their companions and sincere friends in the concert of nations.

They assented, therefore, to the request of His Holiness, and, deferring to the friendly counsels of the great powers of Europe, who assured them that there was no derogation to their national honor in doing so, finally consented, on the 9th instant, to the suspension of hostilities in Cuba, which was published the following day in the Habana Gazette, leaving to the discretion of General Blanco the settlement of its duration and conditions.

This fresh and painful sacrifice, accepted by Spain in order to maintain and facilitate peace, did not receive the appreciation which it merited from the Government of North America, whose President addressed to the Chambers on the 11th a message which is an offense to truth, to right, and to the legitimate sovereignty of Spain in Cuba.

This is not the place to disprove the facts or impugn the arguments put forward in that message; let it suffice to say that the Spanish Government reject both alike, and that, in face of the absurd and provocative doctrine of intervention, upheld by the President of the United States without the support of any argument but force, or any but arbitrary reasons, the Spanish Government and the whole people of Spain maintain their absolute sovereignty over the Spanish Antilles, which were discovered, peopled, civilized, and enriched by the legitimate descendants of those who opened up the American Continent to the light of progress and Christianity.

The House of Representatives of the United States, after imputing to Spain irritating and unjustifiable charges, and spreading, in connection with the *Maine* incident, the most gratuitous and intolerable calumnies, has passed, by an immense majority, a resolution authorizing the President of the Republic to intervene forthwith, by force of arms if necessary, in the government and internal affairs of an autonomous Spanish province. By the Senate another resolution has been passed, still more violent and aggressive, and when one of these resolutions, or another similar to them and formed out of the two, is approved by both Chambers and authorized by the President, it will constitute in the United States a situation in law and an actual threat which our dignity can not hold compatible with a continuance of diplomatic relations.

The pretext of humanity, by which it is desired to cover the ambitious aspirations of the United States, who claim to exercise an absolute hegemony over the continent discovered and, in great part, conquered by Spain, is a completely false one; for Spain, far from tyrannizing over the island of Cuba, has endowed it with all the elements of prosperity which exist, and, since the peace of Zanjón, by an uninterrupted series of patriotic concession, has granted it all the liberties enjoyed by the happiest peoples, making it, by means of autonomy, the arbiter of its own destinies, having regard to the national integrity of Spain.

The Spanish Government can not admit that the United States are aiming only at bringing about peace in Cuba by means of its liberty and independence.

In an official note of the 4th April, 1896, Mr. Olney said to the Spanish minister at Washington:

"There are most powerful reasons for fearing that, if Spain should withdraw from the island of Cuba, the only bond of union would disappear which exists among the different factions of the insurgents; that a race war would begin, all the more bloody for the experience and discipline acquired during the insurrection; and that, even if the island were to enjoy a temporary peace, it would only be thanks to the establishment of one white republic and one black, which, if they agreed at first as to the division of the island, would, being enemies from the first, never rest until one of them had completely reduced and subdued the other."

This truth, so spontaneously recognized by Mr. Olney, can not be hidden from the perspicacity of President McKinley and the North American Chambers; on the contrary, it is taken into consideration, for the intestine war, the struggle of races, and the general disorder, which would be the immediate corollary of independence, would afford the United States a pretext for the armed intervention and the annexation which appears to be their real and constant ultimate object. So evident is this that even now there are many in the United States who object to independence as a step as useless and unnecessary as it is mischievous, and they preach the establishment of a government which, as it must not be either Spanish or formed by the insurgents, would necessarily in one form or another be dependent upon the United States.

Such open and criminal robbery will be opposed by the Spanish people with right on their side, and in the firm and determined intention to maintain and defend it wherever it is challenged. Spain does not yield, and can not yield, her sovereignty in Cuba.

President McKinley, in his annual message, had stated that he would only resort to the use of force when the necessity for such a measure was so obvious as to command the support and approval of the civilized world, and, nevertheless, in spite of the fact that the great powers have expressed their desire for peace, pointing out to him that he should have recourse to diplomatic methods, and put aside violent measures, he places himself in opposition to public opinion and follows out imperturbed, or rather now puts into practice, his schemes of premeditated aggression.

While the present conflict is being settled, the facts of the case and irrevocable determination of Spain being thus set forth, His Majesty's Government only desire to make known to the civilized world that reason and right are on their side and provocation and injustice on that of the United States.

His Catholic Majesty's Minister of State,

MADRID, April 18, 1898.

PIO GULLÓN.

No. 141.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

LONDON, April 18, 1898.

The Under Secretary for Foreign Affairs tells me that the delay imposed by the differences of the two Houses of Congress of the United States should give time for the Spanish Government to secure the submission of the insurgents before the President of the Republic takes action. The English Government is much engaged to-day with the Cuban question. * * *

RASCON.

No. 142.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 18, 1898.

The House of Representatives has adopted the Senate resolution, except the part relative to the recognition of the so-called republic. The resolution, with this amendment, has passed the Senate.

POLO.

No. 143.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 18, 1898.

Both Houses have just adopted the following joint resolution:

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to civilization, culminating as they have in the destruction of a United States battle ship, with two hundred and sixty-six of its officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April eleventh, eighteen hundred and ninety-eight, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

The vote of the Senate was 42 to 35; that of the House, 310 to 6.

I am informed the President will sign it to-day, in which case I shall ask for my passports and leave for Canada.

POLO.

No. 144.

The Minister of State to the Minister Plenipotentiary of His Majesty in Washington.

[Telegram.—Translation.]

MADRID, April 19, 1898.

Following my previous instructions, I direct your excellency to ask for your passports as soon as the President signs the resolution adopted by both Houses, withdrawing, with all the diplomatic staff, to Canada.

Regarding the consuls, I give your excellency full authority to proceed according to your discretion and as circumstances may dictate.

GULLÓN.

No. 145.

The Minister Plenipotentiary of His Majesty to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, April 20, 1898.

The President has just signed the resolution. I have addressed the following note to the Secretary:

MR. SECRETARY: The resolution adopted by the Congress of the United States of America, and approved to-day by the President, is of such nature that my continuance in Washington becomes impossible and obliges me to request of you the delivery of my passports.

The protection of Spanish interests will be intrusted to the French ambassador and the Austro-Hungarian minister.

On this occasion, very painful to me, I have, etc.,

LUIS POLO DE BARNABÉ.

I have received from the Department of State copy of the instructions addressed to Woodford. The part which interests us is as follows:

If by the hour of noon on Saturday next, the 23d day of April, instant, there be not communicated to this Government by that of Spain a full and satisfactory response to this demand and resolution, whereby the ends of peace in Cuba shall be assured, the President will proceed without further notice to use the power and authority enjoined and conferred upon him by the said joint resolution to such extent as may be necessary to carry the same into effect.

I leave to-night for Canada.

POLO.

No. 146.

The Minister of State to the Minister Plenipotentiary of the United States.

[Translation.]

PALACE, April 21, 1898.

EXCELLENCY: In compliance with a painful duty, I have the honor to inform your excellency that, the President having approved a resolution of both Chambers of the United States which, in denying the legitimate sovereignty of Spain and in threatening armed intervention in Cuba, is equivalent to an evident declaration of war, the Government of His Majesty has ordered its minister in Washington to withdraw without loss of time from American territory with all the personnel of the legation. By this act the diplomatic relations which previously existed between the two countries are broken off, all official communication between their respective representatives ceasing, and I hasten to communicate this to your excellency in order that on your part you may make such dispositions as seem suitable.

I beg your excellency to kindly acknowledge the receipt of this note, and I avail, etc.,

PIO GULLÓN.

No. 147.

The Minister of the United States to the Minister of State.

LEGATION OF THE UNITED STATES,
Madrid, April 21, 1898.

EXCELLENCY: I have the honor to acknowledge the receipt this morning of your note of this date informing me that the Spanish minister at Washington has been ordered to withdraw with all his legation and without loss of time from American territory. You also inform me that by this act diplomatic relations between the two countries are broken off; that all official communication between their respective representatives ceases. I have accordingly this day telegraphed the American consul-general at Barcelona to

instruct all the consular representatives of the United States in Spain to turn their respective consulates over to the British consuls and to leave Spain at once. I have myself turned this legation over to Her Britannic Majesty's embassy at Madrid. That embassy will from this time have the care of all American interests in Spain. I now request passports and safe conduct to the French frontier for myself and the personnel of this legation. I intend leaving this afternoon at 4 o'clock for Paris.

I avail, etc.,

STEWART L. WOODFORD.

No. 148.

The Minister of State to the representatives of His Majesty abroad.

[Circular telegram.—Translation.]

MADRID, *April 21, 1898.*

The President having approved the resolution of both Houses, which, in denying Spanish sovereignty and threatening armed intervention in Cuba, is equivalent to a declaration of war, our minister at Washington withdrew last night, with the personnel of the legation, according to his instructions. This morning Mr. Woodford was notified that diplomatic relations between the two countries were broken off and that all official communication between the respective countries had ceased. The Government of His Majesty, in acting in this manner, proposed to avoid receiving the American ultimatum, which would have constituted a fresh offense. The representative of the United States understood this, and limited himself to asking for his passports and will leave this afternoon on the express train for France.

GULLÓN.

No. 149.

The Minister of State to the representatives of His Majesty abroad.

[Translation.]

MADRID, *April 23, 1898.*

EXCELLENCY: I have the honor to inclose two copies of another memorandum, one of which you will deliver as speedily as possible to the Minister for Foreign Affairs, preserving the other for the embassy (or legation) archives in your charge.

The object of His Majesty's Government in sending this communication to the powers is to complete the relation of events and

to set forth the circumstances under which Spain is going to a war provoked by the United States.

By royal order I state the foregoing for your excellency's information and the indicated action.

PIO GULLÓN.

[Inclosure.—Translation.]

Memorandum.

The Spanish people and Government, arbitrarily and unjustly provoked, find themselves under the hard necessity of appealing to force in order to repel the scandalous attack of which they are made the object, and to defend the historical integrity of their country's territory and at the same time their integrity and honor.

Few cases can be named in the course of centuries in which the right is clearer on the one side and the insult more open on the other; on the side of the United States appear provocation, disloyalty, and the promptings of the most unbridled ambitions. Elated by the power given them by their enormous population and their immense wealth, the North Americans absolutely fail in the duties and consideration for others which are imposed on the strong as well as the weak by morality and the necessary relations in the concert of the powers, and, moved by blind and insane greed, they have favored, surreptitiously but effectively, a rebellion supported by the less estimable portion of the population of Cuba. In order to gain the object aimed at they have not shrunk from employing the basest methods. If a fresh proof of their execrable conduct was required it has been furnished by Consul-General Lee, who, after remaining about three years at Habana, protected by the immunity conferred upon him by his office, now reveals to the world, with unexampled coolness, the conspiracy in which he was engaged, and proposes to crown his work by leading or commanding the first troops sent by the United States to land in Cuba. It is difficult to find another instance of such conduct in the annals of diplomacy or the consular service.

Continuing their unparalleled campaign of provocation, the North American Congress finally passed, on the 19th instant, a joint resolution which not only denies the sovereignty of Spain in Cuba, but also threatens the employment of force to drive the national army and navy from the island.

In order to give an idea of the insolent terms in which this resolution is couched, it is necessary to copy it without altering its peculiar style. It is as follows:

"Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating as they have in the destruction of a United States battle ship, with two hundred and sixty-six of its officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April eleventh, eighteen hundred and ninety-eight, upon which the action of Congress was invited: Therefore,

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

"Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at

once relinquish its authority and Government in the island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters.

"Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

"Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, *when that is accomplished*, to leave the government and control of the island to its people."

The words copied in italics near the end sufficiently explain the intentions of the North Americans. They were written to deceive the Cuban insurgents and to obtain their cooperation; but if the United States attain their object it is certain that they will never declare the island pacified until, by the exercise of every kind of pressure, they are assured that the coveted annexation is a fact.

On the 20th the President of the United States signed the insensate resolution, which thus became law, and the moment, anticipated in my previous memorandum, when the continuation of diplomatic relations would have been incompatible with the dignity of Spain arrived. Under instructions from His Majesty's Government the Spanish plenipotentiary, Señor Polo de Bernabé, addressed a note to Mr. Sherman, Secretary of State, informing him that it was impossible for him to remain at Washington, and asking for passports for him and all the members of his mission. The note stated that the representatives of France and Austria-Hungary had kindly undertaken the charge of Spanish interests in America.

As soon as I received the official telegram announcing that the President had approved the joint resolution, I hastened to address to Mr. Woodford, the representative of the United States at Madrid, with the approval of the Cabinet, a note pointing out to him that the denial of the legitimate sovereignty of Spain in Cuba and the threat of immediate armed intervention were equivalent to a clear declaration of war, and that His Majesty's Government had therefore instructed their representative to leave Washington, and considered that their relations with the United States were broken off. Mr. Woodford asked for his passports the same day and left Madrid.

According to trustworthy information received subsequently, the American Cabinet had prepared an ultimatum, which Mr. Woodford did not succeed in presenting to His Majesty's Government because the latter had hastened to declare that their relations with the United States were broken off. In view of the terms of the resolution voted by the Congress and approved by the President, the ultimatum could not have contained anything but fresh insults to Spain, which it was the duty of His Majesty's Government to prevent at all hazards. To the last, and throughout this long business, which began in February, 1895, provocation, offense, and the declaration of war came from the side of the United States. Spain, strong in her right, has confined herself to replying to the attacks and to accepting at last the challenge thrown to her with the fortitude and manliness of her race.

The Spanish people and Government await the shock quietly, resolved each and all to sell their lives dearly, and to defend, by all the means at their disposal, the legitimate and historical integrity of the territory. Without absurd boasting, but with the fierce energy by which it has been able to conquer an enviable name and glory in history, the Spanish people will defend in arms their right to remain in America, without being appalled by the magnitude of the enterprise or by the enormous superiority of the means at the disposal of their adversary.

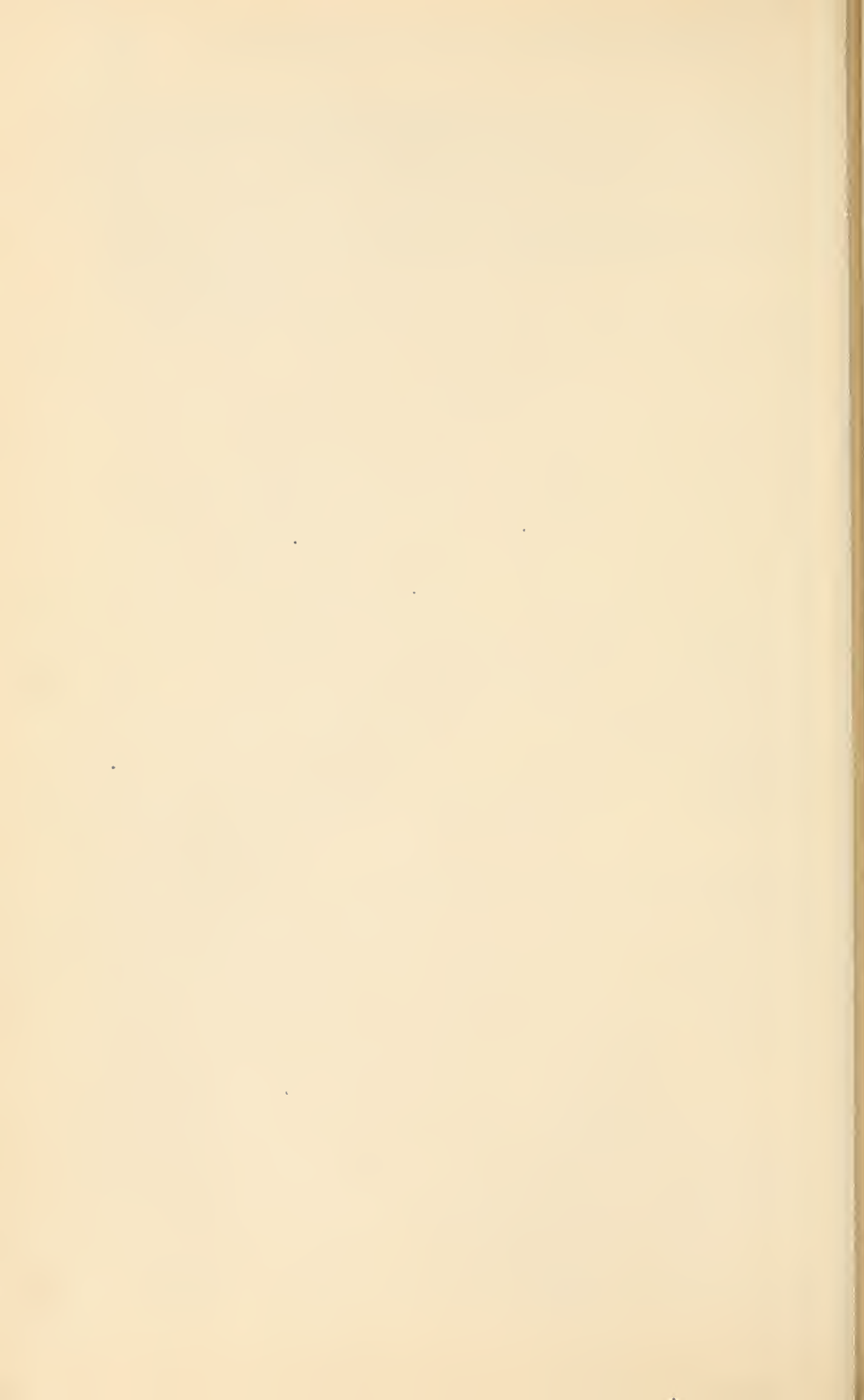
The great majority of the Cuban people feel that they are Spanish, and wish to remain Spanish. They have so informed the President of the United States,

through the authorized organ of their responsible autonomous government, stating that independence would be their ruin, and that what they aim at and desire, by virtue of their perfect right to be governed as a free people, is to live under the sovereignty of Spain with an autonomy insuring the enjoyment of all liberties. Accordingly, the people of the Peninsula and the loyal Cubans, sons of the same mother and citizens of the same country, will fight side by side against the greed of the North Americans and will oppose the breaking of the sacred and indissoluble tie which binds the Spanish Antilles to their ancient and beloved mother country.

PIO GULLÓN,

Minister of State of His Catholic Majesty.

MADRID, *April 23, 1898.*

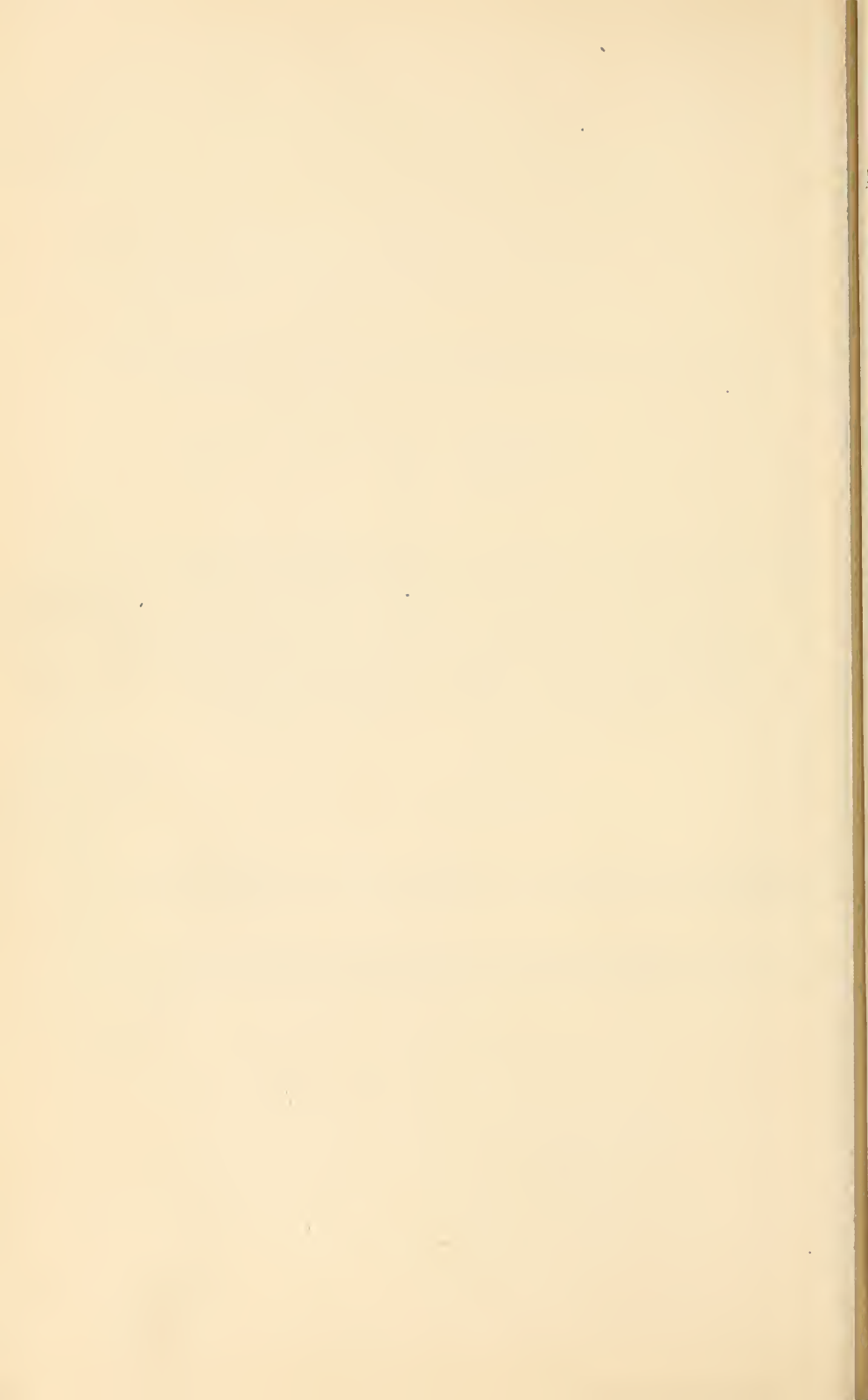


PART II.

DIPLOMATIC NEGOTIATIONS FROM THE BEGINNING OF
THE WAR WITH THE UNITED STATES UNTIL THE
SIGNING OF THE PROTOCOL AT WASHINGTON AND
CORRESPONDENCE CONCERNING THE INTERPRETA-
TION AND FULFILLMENT OF THE PROTOCOL.

TRANSLATION.

(Documents presented to the Cortes in the Legislature of 1898 by the Minister of State.)



ADHESION OF SPAIN TO THE ADDITIONAL ARTICLES OF THE CONVENTION OF GENEVA OF OCTOBER 20, 1868.

No. 1.

The President of the Swiss Confederation to the Minister of State.

[Translation.]

BERNE, April 20, 1898.

MR. MINISTER: The international conference of October 20, 1868, held in Geneva, adopted a project of additional articles to the convention of August 22, 1864, which interpret certain provisions of this convention and extend its effects to marine warfare.

This project not having received diplomatic sanction can not be considered a treaty in force. Nevertheless, Germany and France consented, in 1870, to the proposal of the Federal Council to apply the additional articles, as a *modus vivendi*, during the time hostilities continued.

All the signatory states of the Convention of Geneva voluntarily left to the Federal Council the initiative which, in its quality of intermediary organ, it might deem desirable for a philanthropic end.

The situation to-day is the more grave in this instance, because, unlike the war of 1870, the campaign about to begin will have essentially the character of a maritime struggle, and the additional articles relative to naval forces will be of much more frequent application than those of the principal convention. Any lack of understanding in maritime affairs would be, therefore, much more serious in this case.

For this reason the Federal Council has charged me to particularly recommend to your excellency, and to the Cabinet of Washington, the same measures Switzerland, in 1870, recommended to Germany and France, proposing to both Governments that there be put in vigor, as a *modus vivendi*, during the whole time of hostilities, the additional articles of October 20, 1868, as they have been modified at the instance of France and interpreted by France and Great Britain.

Inclosed your excellency will find an exposition which contains the text of the additional articles, the modification of Article IX proposed by France, and the notes exchanged between England and France respecting the contents of Article X.

It is understood that by note of your legation of September 7, 1872, the Government of His Majesty declared itself ready to adhere

to the additional articles of October 20, 1868, and the President of the United States made a similar declaration under date of March 1, 1882.

The Federal Council has therefore grounds for expecting that the two Governments, appreciating the motive, will come to an understanding for the purpose of adopting, as a *modus vivendi*, a measure which has for its object the assurance of the application on the sea of the humane principles consecrated by the Geneva Convention.

Begging your excellency to have the kindness to inform me of the reception the Government of Her Majesty the Queen Regent may give to the proposition of the Federal Council, I avail, etc.,

The President of the Swiss Confederation,

RUFFY.

[Inclosure.—Translation.]

ADDITIONAL ARTICLES TO THE CONVENTION OF GENEVA.

(October 20, 1868.)

In 1868 the Swiss Federal Council took the initiative in convoking an international conference for the purpose of revising the Convention of Geneva of August 22, 1864, for the amelioration of wounded in the field.

This conference, at which fourteen states were represented, met in Geneva on October 5, 1868. It was decided to leave intact the convention of 1864 and to adopt certain additional articles defining the provisions of that convention, and to extend its provisions to forces at sea. It was agreed that the additional articles adopted unanimously should have merely the character of a draft, or project.

On the 20th of October a project of fifteen articles, of which five related to the convention of 1864 and ten to marine warfare, were adopted and signed by the delegates of the fourteen powers represented at the conference.

This project is to the following effect:

The Governments of northern Germany, Austria, Baden, Bavaria, Belgium, Denmark, France, Great Britain, Italy, Netherlands, Sweden and Norway, Switzerland, Turkey, and Wurttemberg, desiring to extend to marine warfare the advantages of the Convention of Geneva of August 22, 1864, for the amelioration of the wounded in the field and to define some of the provisions of the said convention, have agreed, through their duly authorized representatives, on the following:

"ARTICLE I. The persons designated in Article II of the convention shall, after the occupation by the enemy, continue to fulfill their duties, according to their wants, to the sick and wounded in the ambulance or the hospital which they serve. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay for a short time in case of military necessity.

"ART. II. Arrangements will have to be made by the belligerent powers to insure to the neutralized person, fallen into the hands of the army of the enemy, the entire enjoyment of his salary.

"ART. III. Under the conditions provided for in Articles I and IV of the convention, the name 'ambulance' applies to field hospitals and other temporary establishments which follow the troops on the field of battle to receive the sick and wounded.

"ART. IV. In conformity with the spirit of Article V of the convention, and to the reservations contained in the protocol of 1864, it is explained that for the appointment of the charges relative to the quartering of troops, and of the contributions of war, account only shall be taken in an equitable manner of the charitable zeal displayed by the inhabitants.

"ART. V. In addition to Article VI of the convention, it is stipulated that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph of that article, the wounded fallen into the hands of the enemy shall be sent back to their country after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war.

[ARTICLES CONCERNING THE MARINE.]

"ART. VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which, having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit.

"The appreciation of these circumstances is intrusted to the humanity of all the combatants. The wrecked and wounded thus picked up and saved must not serve again during the continuance of the war.

"ART. VII. The religious, medical, and hospital staff of any captured vessel are declared neutral, and, on leaving the ship, may remove the articles and surgical instruments which are their private property.

"ART. VIII. The staff designated in the preceding article must continue to fulfill their functions in the captured ship, assisting in the removal of the wounded made by the victorious party; they will then be at liberty to return to their country, in conformity with the second paragraph of the first additional article.

"The stipulations of the second additional article are applicable to the pay and allowance of the staff.

"ART. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war.

"ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality, but the mere fact, noted on the ship's books, of the vessel having been visited by an enemy's cruiser renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy and thus verify the good faith of the operation.

"If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent.

"The belligerents retain the right to interdict neutralized vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operations. In urgent cases special conventions may be entered into between commanders in chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.

"ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

"Their return to their own country is subject to the provisions of Article VI of the convention and of the additional Article V.

"ART. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, in virtue of the principles of this convention, is a white flag with a red cross. The

belligerents may exercise in this respect any mode of verification which they may deem necessary.

"Military hospital ships shall be distinguished by being painted white outside, with green strake.

"ART. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the governments signing this convention, and which are furnished with a commission emanating from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control during their fitting out and on their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral, as well as the whole of their staff. They shall be recognized and protected by the belligerents.

"They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors. The outer painting of these hospital ships shall be white with red strake.

"These ships shall bear aid and assistance to the wounded and wrecked belligerents without distinction of nationality.

"They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril.

"The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to detain them if the exigencies of the case require such a step.

"The wounded and wrecked picked up by these ships can not be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.

"ART. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view than the interest of the sick and wounded, gives to the other belligerent, until proof to the contrary, the right of suspending the convention as regards such belligerent.

"Should this presumption become a certainty, notice may be given to such belligerent that the convention is suspended with regard to him during the whole continuance of the war.

"ART. XV. The present act shall be drawn up in a single original copy, which shall be deposited in the archives of the Swiss Confederation.

"An authentic copy of this act shall be delivered, with an invitation to adhere to it, to each of the signatory powers of the convention of the 22d of August, 1864, as well as to those that have successively acceded to it.

"In faith whereof the undersigned commissaries have drawn up the present project of additional articles and have apposed thereunto the seals of their arms.

"Done at Geneva, the twentieth day of the month of October, of the year one thousand eight hundred and sixty-eight.

"VON RÆDER.

"F. LÆFFLER.

"KÖHLER.

"DR. MUNDY.

"STEINER.

"DR. DOMPIERRE.

"VISSCHERS.

"J. B. G. GALIFFE.

"A. COUPVENT DES BOIS.

"H. DE PRÉVAL.

"JOHN SAVILLE LUMLEY.

"H. R. YELVERTON.

"D. FELICE BAROFFIO.

"PAOLO COTTRAU.

"H. A. VAN KARNEBEEK.

"WESTENBERG.

"F. N. STAAFF.

"G. H. DUFOUR

"G. MOYNIER.

"DR. S. LEHMANN.

"HUSNY.

"DR. C. HAHN.

"DR. FICHTE."

[Translation.]

By note of the 23d of October and 30th of November, 1868, the Swiss Federal Council informed the states signatories to the convention of 1864 of the results of the conference of Geneva.

On the 11th of December, 1868, the French Government, while declaring its disposition to adhere to the additional articles, expressed the desire that Article IX be amended.

The note from the French embassy to the Swiss Federal Council was to the following effect:

"An examination of the project of additional articles to the Convention of Geneva proposed by the international conference which met in that city in the month of October last has suggested to the Government of the Emperor certain observations, concerning which I am charged to acquaint the Federal Council.

"Article IX of the additional project proposes to provide that—

"The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war."

"The Minister of the Imperial Marine believes that this provision is opposed to the spirit of the convention of 1864, depriving at all events the naval forces of the right to be accompanied by hospital ships enjoying the benefit of neutrality. In this view, and retaining the text of Article IX, it is proposed to amend the article by an additional paragraph, as follows:

"The vessels not equipped for fighting which, during peace, the Government shall have officially declared to be intended to serve as floating hospital ships shall, however, enjoy during the war complete neutrality, both as regards stores and also as regards their staff, provided their equipment is exclusively appropriated to the special service on which they are employed."

"The Imperial Government, which aside from this is ready, so far as it is concerned, to adhere to all the other provisions proposed by the international conference, does not doubt that this amendment, which conforms to the original idea of the conference, will meet with unanimous consent; and my Government has invited me to request the Federal Council to be good enough to submit Article IX of the additional project, so amended, to the approval of the signatory powers of the convention of 1864, at the same time that it invites adhesion to such project.

"As to the form in which these projects shall be accepted, the French delegates have already given in the Geneva Conference the opinion upon this point of the Government of His Imperial Majesty, based upon usual diplomatic practice. It is undeniable that additional articles of an international convention can not be concluded without the assent of all the contracting powers, whether the original signatories or those subsequently adhering. The project drawn up by the Geneva Conference will not, therefore, be valid until signed by the plenipotentiaries of all the states signatories to the act of 1864.

"I hasten, moreover, in accord with instructions I have received, to transmit to your excellency the inclosed draft of a definitive instrument of this additional project, in order that the Federal Council may have it at its disposition. So soon as all the contracting states are disposed to subscribe to the projects presented for their approval, I shall be obliged if your excellency will advise me of the fact.

"Accept, Mr. President, the assurance of my highest consideration.

"DE COMMINGES GUITAUD."

England, on its part, raised doubt as to the import of certain provisions in Article X relative to trade vessels carrying cargo, and on this subject the following

notes were exchanged between the British Government and the ambassador of France in London:

The Count of Clarendon to the Prince de la Tour d'Auvergne.

“FOREIGN OFFICE, January 21, 1869.

“MR. AMBASSADOR: Her Majesty's Government have taken into consideration your excellency's note of the 15th ultimo, in which, with reference to the draft of articles prepared by the conference which met at Geneva in the month of October last, and intended as additional articles to the convention of 1864, for the amelioration of the treatment of wounded in time of war, your excellency states that the Government of the Emperor is desirous of adding a paragraph, in the terms set forth in your note, to the IXth of those articles relating to hospital ships.

“I have the honor to inform your excellency that the paragraph in question appears to Her Majesty's Government to be unobjectionable.

“But, before signifying their approval of the additional articles, Her Majesty's Government would be glad to ascertain what is the precise interpretation which the Government of the Emperor proposes to give to the following provision in the Xth of those articles:

“*‘Si le bâtiment de commerce contenait en outre un chargement, la neutralité le couvrirait encore, pourvu que ce chargement ne fut pas de nature à être confisqué par le belligérant.’* [If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent.]

“Under the existing practice of nations, if a ship under a cartel has entered the port of an enemy for the purpose of exchanging prisoners, or it may be for the purpose of bringing away sick and wounded, the master would be bound to abstain from all traffic whatever and any infringement of this rule would work a confiscation of the ship, if captured. Under one interpretation of the passage above recited the provision would have a limited operation and its intention might be held to be to exempt vessels employed in ‘evacuations’ from capture and confiscation, although the master might have availed himself of the opportunity to bring out cargo, provided the cargo was not contraband of war. The words *‘la neutralité le couvrirait encore,’* on this hypothesis, would mean that neutrality would still cover it—that is, *the vessel*.

“Under another interpretation the passage might be held to give protection to the *cargo* as well as to the *vessel*; and if it should be so intended, then enemy's goods on board an enemy's ship might be privileged from capture as prize, provided only some sick and wounded persons were on board the vessel. With regard to the proviso, Her Majesty's Government apprehend that the words *‘pourvu que ce chargement ne fut pas de nature à être confisqué par le belligérant’* must be taken to refer to the quality of the goods, as contraband of war or not, and not to their ownership.

“There is another point, as regards this article, which may deserve consideration, namely, under what limitations are ‘evacuations’ of the wounded and sick to be made. For instance, as regards evacuations made by sea, is it intended in the case of a blockaded town that a vessel may come out of the port with sick and wounded and be privileged from capture? It might be desirable, in the interests of humanity, that they should be removed; but under such circumstances their removal would tend to prolong the resistance of the besieged party.

“In offering these observations I am aware that it is possible that I may not have fully appreciated the use of the term ‘evacuations.’ But I presume it to mean the removal of the sick and wounded from temporary or permanent hospitals, at the discretion of either belligerent.

"I request that your excellency will have the goodness to communicate this note to the Government of the Emperor, and to state that Her Majesty's Government will feel greatly obliged by being made acquainted with their views upon the subject.

"I am, etc.,

"CLARENDON."

The Prince of the Tour d'Auvergne to the Count of Clarendon.

[Translation.]

"LONDON, February 26, 1869.

"DEAR COUNT: In advising me on the 21st of January last of the adhesion of the Government of the Queen to the amendments proposed by Admiral Rigault de Genouilly to the IXth additional article of the project of the convention of August 22, 1864, for the succor of wounded in the field, your excellency expresses the desire to know the interpretation of the precise meaning which the Government of the Emperor gives to certain provisions of the Xth additional article.

"I have just received from my Government, and hasten to transmit to your excellency, the inclosed explanatory communication. It sets forth that the stipulations of the Geneva Convention have not intended to modify in any way the generally admitted principles of rights of belligerents. It is therefore understood by the Government of the Emperor that any vessel carrying sick or wounded which has on board contraband of war or enemy merchandise could not invoke the benefits of neutrality. As to the last paragraph of the Xth additional article, it only gives to the besieged the right to negotiate with the besieger concerning evacuation from a blockaded port; that is to say, the entrance or departure of a vessel having for especial purpose the transportation of sick or wounded can not take place without previous agreement between the belligerents.

"The Marquis de Lavalette, in directing me to transmit this communication to your excellency, expresses the hope that the interpretation adopted by the Government of the Emperor will be accepted.

"THE PRINCE DE LA TOUR D'AUVERGNE."

Note touching the interpretation of Article X, additional to the Convention of Geneva.

"The second paragraph of the additional Article X reads thus: 'If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent.'

"The words 'of a nature to be confiscated by the belligerent' apply equally to the nationality of the merchandise and to its quality.

"Thus, according to the latest international conventions, the merchandise of a nature to be confiscated by a cruiser are:

"First. Contraband of war under whatever flag.

"Second. Enemy merchandise under enemy flag.

"The cruiser need not recognize the neutrality of the vessel carrying wounded if any part of its cargo shall, under international law, be comprised in either of these two categories of goods.

"The faculty given by the paragraph in question to leave on board of vessels carrying wounded a portion of the cargo is to be considered as a facility for the carriage of freight, as well as a valuable privilege in favor of the navigability of merchant vessels if they be bad sailers when only in ballast; but this faculty can in no wise prejudice the right of confiscation of the cargo within the limits fixed by international law.

"Every ship the cargo of which would be subject to confiscation by the cruiser under ordinary circumstances is not susceptible of being covered by neutrality by the sole fact of carrying in addition sick or wounded men. The ship and the cargo would then come under the common law of war, which has not been modified by the convention except in favor of the vessel exclusively laden with wounded men, or the cargo of which would not be subject to confiscation in any case. Thus, for example, the merchant ship of a belligerent laden with neutral merchandise and at the same time carrying sick and wounded is covered by neutrality.

"The merchant ship of a belligerent carrying, besides wounded and sick men, goods of the enemy of the cruiser's nation or contraband of war is not neutral, and the ship, as well as the cargo, comes under the common law of war.

"A neutral ship carrying, in addition to wounded and sick men of the belligerent, contraband of war also is subject to the common law of war.

"A neutral ship carrying goods of any nationality, but not contraband of war, lends its own neutrality to the wounded and sick which it may carry.

"In so far as concerns the usage which expressly prohibits a cartel ship from engaging in any commerce whatsoever at the point of arrival, it is deemed that there is no occasion to specially subject to that inhibition vessels carrying wounded men, because the second paragraph of Article X imposes upon the belligerents, equally as upon neutrals, the exclusion of the transportation of merchandise subject to confiscation.

"Moreover, if one of the belligerents should abuse the privilege which is accorded to him, and under the pretext of transporting the wounded should neutralize under its flag an important commercial intercourse which might in a notorious manner influence the chances or the duration of the war, Article XIV of the convention could justly be invoked by the other belligerent.

"As for the second point of the note of the British Government, relative to the privilege of effectively removing from a city, besieged and blockaded by sea, under the cover of neutrality, vessels bearing wounded and sick men, in such a way as to prolong the resistance of the besieged, the convention does not authorize this privilege. In according the benefits of a neutral status of a specifically limited neutrality to vessels carrying wounded, the convention could not give them rights superior to those of other neutrals who can not pass an effective blockade without special authorization. Humanity, however, in such a case, does not lose all its rights, and, if circumstances permit the besieging party to relax the rigorous rights of the blockade, the besieged party may make propositions to that end in virtue of the fourth paragraph of Article X."

All the states signatories of the Convention of Geneva adhered to the additional articles; also to the modification of Article IX, proposed by France, and to the interpretation given to Article X by England and France.

Under date of the 21st of April, 1870, the Russian legation near the Swiss Confederation addressed the Federal Council as follows:

"GENEVA, April 9-21, 1870.

"Supplementing his note of the 20th of March-1st of April, the undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, has the honor to inform the Federal Council of the following views of the Imperial Ministry of Marine, relative to the modifications which he would suggest to additional Article XII of the Convention of Geneva.

"Although the XIVth additional article sets forth what shall be done in the event that one of the belligerents shall abuse the distinctive flag of neutrality, nothing is found in the convention to prevent such abuse. Nevertheless, a case

might arise in which abuse of such flag might influence the result of the conflict and it would then evidently be too late to apply the measures provided in the XIVth article.

"This consideration appears to the Ministry of Marine sufficiently important to amend the second line of Article XII, which reads thus: 'The belligerents may exercise in this respect any mode of verification which they may deem necessary,' for the following draft: 'With the exception of hospital ships, which shall be distinguished by a particular color, no ship of war or commerce may use the white flag with the red cross except in case it shall have permission in consequence of previous understanding of the belligerents. Lacking this understanding, the benefit of neutrality shall not be conceded to vessels except those whose neutral flag, established for hospital ships, shall be raised before being seen by the enemy.'

"The Imperial Minister of Marine believes that the modification proposed relates to a matter too serious not to merit on the part of the contracting parties the careful attention given to the proposed modifications of the same convention by France and England.

"The undersigned avails himself of the occasion, etc.,

"GIERS."

This proposition was not accepted by all the states.

The additional articles, not receiving diplomatic approval, remained merely a project. Nevertheless, Germany and France consented in 1870 to adopt them as a *modus vivendi* and to recommend their application to the commandants of the marine and land forces during the existence of hostilities.

No. 2.

The Minister of State to the President of the Swiss Confederation.

MADRID, *April 21, 1898.*

MR. PRESIDENT: The Government of His Majesty the King of Spain, which always receives with pleasure the humane propositions of the Swiss Confederacy, has received with the greatest satisfaction the note your excellency had the kindness to send under date of the 20th of this month.

The considerations set forth by your excellency touching the desirability of the adoption of the additional articles of 1868 to the Geneva Convention as rules in force during the hostilities which unfortunately are about to break out between Spain and the United States are entirely agreeable to us.

These articles, which your excellency has in your communication been pleased to recall to mind, had brought forth already an official declaration on our part expressing our approbation as to their spirit of philanthropy and our disposition to adhere to them.

The sincerity of the sentiments expressed by Spain in the note of September 7, 1872, is now to be proved in a practical manner. To this end, the Government of His Majesty has the honor of informing the Federal Council, through your excellency, that Her Majesty

the Queen Regent, my august sovereign, by a royal order, under date of yesterday, has deigned to approve a regulation for the exercise of the right of search by the Spanish marine in the time of war. As your excellency may see by the annexed copies of the Gazette of Madrid, the additional articles 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 were made a part of the text of said regulation as an appendix to Article X, and before the desire of your Council was known in Madrid.

With regard to the project of articles for land forces, its spirit is contained, according to the opinion of the Government of His Majesty, in articles 406, 495, 855, 891, 892, and 893 of the regulations for the service of the Spanish army in the field, of which I have the honor of remitting your excellency a copy as an inclosure to the present communication.

I do not doubt, Mr. President, that the Federal Council and its worthy head will consider the matter settled in the manner before mentioned.

I beg, Mr. President, that your excellency will accept the assurance of my high consideration.

PIO GULLÓN.

No. 3.

The Consul-General of Switzerland to the Minister of State.

[Translation.]

MADRID, May 10, 1898.

EXCELLENCY: I have the honor of communicating to your excellency the telegram I received from the Federal Political Department of Berne:

The Government of the United States has also accepted the additional articles of the Geneva Convention. I charge you to inform the Minister of State and the Spanish Red Cross of this. The Federal Council will send a circular note to the nations who signed the Convention of Geneva in order to communicate the results of its efforts.

I improve, etc.,

The Consul-General of Switzerland,

CH. ED. LARDET.

No. 4.

The Minister of State to the Consul-General of Switzerland.

[Translation.]

PALACE, May 11, 1898.

MY DEAR SIR: I have the honor to state to your excellency that I received your esteemed note of yesterday, which communicated

to me a telegram from the Federal Political Department of Berne, giving notice that the United States had accepted the additional articles to the Geneva Convention of 1868.

Thanking your excellency for this notice, I improve, etc.,

PIO GULLÓN.

No. 5.

The Consul-General of Switzerland to the Minister of State.

[Translation.]

MADRID, May 28, 1898.

EXCELLENCY: I have the honor to inform your excellency that by a circular note of the 15th instant the Federal Council of Switzerland has notified the powers signing the Geneva Convention of the decision of the Cabinets of Madrid and Washington to put in force during the continuance of hostilities and as a *modus vivendi* the additional articles to the Convention of Geneva of October 20, 1868.

The Federal Council very particularly charges me to express to your excellency their acknowledgment and lively appreciation of the reception your excellency has given to their proposition.

I improve, etc.,

The Consul-General of Switzerland,

CH. ED. LARDET.

Circular of the Federal Government of Switzerland to the signatories of the Geneva Convention.

[Translation.]

BERNE, May 18, 1898.

MR. MINISTER: In 1868 the signatory states of the Convention of Geneva of August 22, 1864, relative to the amelioration of the condition of soldiers wounded in campaign, recognized the necessity of extending the principles of this convention to maritime struggles. An international conference held in Geneva from the 5th to the 20th of October, 1868, adopted a project of fourteen additional articles to the Convention of Geneva, of which five set forth interpretation of the original convention and nine refer to the marine.

These additional articles, not having received diplomatic sanction, remained mere projects (propositions). Nevertheless, Germany and France consented to apply them as a *modus vivendi* during the time hostilities might last. By circular note of July 22, 1870, the Federal Council advised the governments of the states who took part in the Geneva Convention of the agreement between the German Confederation and France.

A war now having begun between the United States of America and Spain—a war which has for its principal theater the sea—we are concerned by the grave consequences which might result from a lack of an understanding on the part of the belligerents relative to the succor and assistance which should be given to the sick, wounded, and shipwrecked.

We did not hesitate, therefore, on April 23, to solicit of the Cabinets of Madrid and Washington that they consent to put in force during the existence of hostilities, at least as a *modus vivendi*, the additional articles of October 20, 1868, as modified at the instance of France (Article XI) and interpreted by France and Great Britain (Article X). In the annexed printed note your excellency can see in what these modifications and interpretations consist.

The two Governments, appreciating the sentiments which have guided our effort, have hastened to defer to our proposition and to transmit to the commanders of their sea and land forces the necessary instructions.

In informing the signatory states of the Geneva Convention of the foregoing, we devoutly hope that the duration of hostilities will be as short as possible, and that the act of Geneva of the 20th of October, 1868, voluntarily adopted by the belligerents, will contribute toward ameliorating the evils of war.

Receive, Mr. Minister, the assurance of our high consideration.

In the name of the Federal Council of Switzerland—

The President of the Confederation,

RUFFY.

The Chancellor of the Confederation,

RINGIER.

CIRCULARS AND PROTESTS ISSUED ON ACCOUNT OF THE WAR.

No. 6.

The Minister of State to the representatives of His Majesty abroad.

[Translation.]

MADRID, *April 24, 1898.*

EXCELLENCY: Inclosed I have the honor of handing you two copies of the Gazette of Madrid of to-day, which contains the decree of the President of the Council of Ministers establishing the rules of international law, especially of marine, to which the Spanish combatants must subject themselves in the present war with the United States.

Without loss of time your excellency should inform the Government to which you are accredited of the contents of the referred-to decree, demonstrating the correct procedure of Spain, who, in spite of her evident inferiority in resources as regards those of her adversary, and although not bound by the Declaration of Paris of the 16th of April, 1856, desiring only the right, and scrupulously regarding private property upon the sea, has put in practice the most important provisions of that declaration, even at the expense of depriving herself of important means of attack and defense.

Regarding privateering, your excellency should state, confidentially, that although the Government of His Majesty reserves absolutely its right it does not intend to exercise it for the present, unless the neutral powers do not observe the strict neutrality prescribed by the law of nations. The Government of His Majesty trusts that this generous concession on its part will be duly reciprocated by friendly powers, and that they will see in it a new proof of the correct procedure of Spain, who desires to demonstrate that in all its acts it is influenced by justice and right.

The organization of the auxiliary cruisers of the naval force is based upon the Prussian decree of July 24, 1870, issued during the Franco-German war.

If Prussia, which was one of the nations adhering to the Declaration of Paris, saw no impropriety in this practice, there will be less impropriety in our adopting it, inasmuch as we did not subscribe to the international understanding. Besides, it is known that English

counsel, being consulted then regarding such a step, stated that this practice was as perfectly admissible and legitimate as in the French land forces similarly organized.

By royal order, etc.

PIO GULLÓN.

[Inclosure 1.—Translation.]

The royal decree above cited.

MADAM: The diplomatic relations between Spain and the United States of America being broken, and a state of war between the two powers existing, there arises a series of problems of international right, especially marine, which the Council of Ministers consider necessary to resolve at once, in order to fix the standard of conduct to which the Spanish combatants should subject themselves.

In spite of the fact that the provocation and injustice on the part of our adversaries is evident, and that they are the ones who by their detestable conduct brought on the grave conflict which alters the peace of nations, we ourselves should observe with the strictest fidelity the precepts of the law of nations as the standard of our procedure in international relations and carry, with the constancy of our race, resolutely to the arena of arms, to which our adversaries provoke us, the most scrupulous respect for morality and right.

The Government of His Majesty, attentive to these high principles, which universally inspire the noble Spanish people, consider that the fact that Spain did not adhere to the Declaration of Paris of April, 1856, does not exempt her morally from respecting the maxims there agreed upon in regard to private marine property. In the note of answer of the Spanish Government to the solicitation of France that she adhere to that declaration, the then Minister of State, the Marquis de Pidal, expressed the appreciation with which he had been informed of the understanding regarding the three points which formulated the freedom of enemy's goods under a neutral flag, the freedom of neutral goods under an enemy's flag, and the declaration that a blockade to be obligatory must be effective. The principle which Spain expressly refused to admit was the abolition of privateering, and the Government of His Majesty considers that at present it is indispensable to hold the utmost reserve regarding this, in order to conserve our liberty and absolute right to put it in practice at the moment and in the form judged opportune.

At present the Government of His Majesty will proceed to the immediate organization of a service of "auxiliary cruisers of the marine," which will be formed from those vessels of our merchant marine considered most fit, and which will cooperate with vessels of war, under whose orders and jurisdiction they will be subject, according to the necessities of the campaign. To the end of avoiding possible doubts and to devise a fixed rule respecting the judicial consequences of the war, the Government of His Majesty thinks that these declarations should be accompanied by decrees abolishing in express terms all the treaties, pacts, and understandings until now in force between Spain and the United States; conceding a period during which North American ships entered before the rupture of relations are free to leave the ports of Spain; setting forth what is looked upon as contraband of war; and determining the penalty to be imposed upon neutrals taken fighting against Spain.

Based on these considerations, and in accord with the Council of Ministers, the undersigned has the honor to submit to the approbation of Your Majesty the annexed draft of a decree.

I am, Madam, yours, most obediently,

PRÁXEDES MATEO SAGASTA.

MADRID, April 23, 1898.

[Inclosure 2.—Translation.]

Royal decree.

In accord with the opinion of my Council of Ministers, in the name of my august son, the King, Don Alfonso XIII, and as Queen Regent of the Kingdom, I proceed to decree the following:

ARTICLE 1. The state of war existing between Spain and the United States abrogates the treaty of peace and friendship of October 27, 1795; the protocol of January 12, 1877; and all other understandings, pacts, and conventions which up to the present time have been in force between the two nations.

ART. 2. From the date of the publication of the present royal decree in the Gazette of Madrid, there will be conceded a term of five days to all vessels of the United States now in Spanish harbors to leave.

ART. 3. Although Spain is not bound by the declaration signed at Paris April 16, 1856, having always manifested its determination not to adhere to it, my Government, attentive to the principles of the law of nations, proposes to observe, and for the present orders, that there be observed the following rules of marine:

(a) A neutral flag protects the enemy's goods, except contraband of war.

(b) The goods of a neutral, except contraband of war, can not be confiscated when under the enemy's flag.

(c) Blockades to be obligatory must be effective; that is to say, maintained by a sufficient force to impede in fact access to the enemy's coast.

ART. 4. The Spanish Government maintains its right to commission privateers, which was expressly reserved in note of May 16, 1857, answering that of France, when France solicited the adhesion of Spain to the Declaration of Paris relative to marine right, and will now organize from vessels of the Spanish merchant marine a service of "auxiliary cruisers of the war marine," which will cooperate with the marine in the demands of the campaign and will be subject to the statutes and jurisdiction of the naval forces.

ART. 5. With the object of seizing the enemy's ships and confiscating the enemy's goods under their own flag, and contraband of war under any flag, the royal marine, the auxiliary cruisers, and the privateers (in case they are authorized) will exercise the right of search upon the high seas and in waters under the jurisdiction of the enemy, according to international law and instructions to that effect published.

ART. 6. Under the denomination of contraband of war will be comprehended cannons, rapid-firing guns, mortars, muskets, and all classes of firearms; the balls, bombs, grenades, hand grenades, cartridges, fuses, powder, sulphur, saltpeter, dynamite, and all classes of explosives; articles of equipment, such as uniforms, leathers, saddles, and harness for artillery and cavalry; machinery for ships, and their accessories, screw shafts and screws, boilers, and other articles and effects which serve for construction, repair, and armament of war vessels; and in general all instruments, utensils, supplies, and objects which serve in war, and such as in the future can be classed under such a denomination.

ART. 7. There will be considered and judged as pirates, with all the rigor of the law, captains, masters, and officials, as also two-thirds of their crew, of those vessels, not American, which may be taken committing acts of war against Spain, even when they may be provided with letters of marque from the United States.

ART. 8. The Ministers of State and Marine are charged with the execution of the present royal decree, and with the provisions necessary for its better execution.

Given in the Palace the 23d of April, 1898.

MARÍA CRISTINA.

President of the Council of Ministers,
PRÁXEDES MATEO SAGASTA.

No. 7.

The Under Minister of State to the representatives of His Majesty abroad.

[Translation.]

MADRID, *May 3, 1898.*

EXCELLENCY: By royal order communicated by the Minister of State, inclosed I have the honor of handing your excellency two copies of the instructions regarding the "right of search," charging that you will please deliver one of them to the Minister for Foreign Affairs, making evident the principles of strict right upon which these instructions are based.

The Under Minister,
J. D. DE AGÜERA.

[Inclosure.—Translation.]

Instructions referred to.

I.

Only belligerents can exercise the right of search; therefore it is evident that it is only feasible to practice it during international wars by each of the states engaged in the conflict, as also in national wars, civil and insurrectional, when one or more foreign powers have recognized as belligerents the party in insurrection. In such a case the general government can exercise the right of search, but only in respect to those merchant vessels of the nations who have given this recognition and are therefore placed in the situation of neutrals.

II.

Under the provisions of the above article, vessels of war of belligerents and vessels of their merchant marine legally armed, whether as auxiliary cruisers or as privateers, if so authorized, may detain in their own waters, in waters under the jurisdiction of their enemy, and in public and free waters, the merchant marine which may be encountered, with the object of inquiring as to the legitimacy of their flag and, if neutral and bound to a port of the other belligerent, the nature of the cargo.

III.

Waters under the imperial jurisdiction of neutral powers are absolutely inviolable. The "right of search" does not exist, therefore, within them, not even under the pretext that the belligerent tried to exercise it upon the high seas and that, giving chase and without losing sight, the vessel he desired to subject to search entered neutral waters.

Neither is the violation of this part of the sea allowable because its coast may not be fortified or inhabited.

IV.

The methods of examination are as follows:

(a) The vessel whose nationality is sought to be known and to be detained is advised by the searcher running up his national flag and affirming it by a blank cannon discharge, an indication to the merchant vessel that it should run up its national flag and heave to.

(b) If the merchant ship does not heed this first intimation, by running up its flag and stopping after it has been hoisted, a second discharge will be made, this time with a projectile, but with care, so as not to strike the vessel, although it should, in order to be seen, not pass far from the stern, and if this second intimation is also disregarded the third discharge should be directed so as to cause damage, avoiding, as far as possible, sinking the vessel. Whatever may be the damage this third shot may cause to the merchant vessel the captain of the man-of-war or privateer has no responsibility for it.

Notwithstanding this, according to the circumstances and degree of suspicion the merchant vessel may inspire, the man-of-war, auxiliary cruiser, or privateer, before proceeding to extremes, may use some less extreme procedure; he may order another discharge, not striking the vessel, and give a new intimation by word of mouth. But this further conciliatory measure lacking result, without further consideration the resources of force should be appealed to.

(c) The visiting ship will place herself at a distance the commander or captain may think proper from the ship to be visited, according to the condition of the wind, of the sea, of the current, or degree of suspicion said ship has inspired, and if these circumstances counsel taking the weather gauge, on the boat going to make the visit, and when it returns, passing to the leeward, there is nothing to oppose the maneuver.

It should be borne in mind that if between the nations of the searching and the searched vessels there is a treaty which limitedly determines the aforesaid distance, this clause of treaty right should be observed, unless the above-enumerated circumstances of wind, sea, or current prevent.

(d) The visiting ship will send a boat with an officer, who, by verbal communication from his commander, will make the search.

This officer may enter the merchant ship accompanied by two or three of the crew of the boat; he may make the visit so, or alone, according to his judgment.

(e) The searching officer will state to the captain of the merchant vessel that, commissioned by the commander of the Spanish man-of-war or auxiliary cruiser (name of man-of-war or auxiliary cruiser) or by the captain of privateer (name of the privateer) he proposes to search, and he will ask to see the captain's papers and official documents of authority, in order to justify the nationality of the vessel (according to the flag that has been raised) and the port of destination. The first being verified, and it appearing that the second is a neutral port, the visit is terminated.

But if the vessel is bound for a port of an enemy to the nation to which the visiting officer belongs, the officer will demand of the captain of the vessel visited his manifests, which show the nature of the cargo, in order to determine whether or not there is contraband of war aboard. If there is not, the visit is definitely terminated, and the neutral vessel is at liberty to continue her voyage. If there is, her capture follows, even though under the circumstances it was not possible to make an inspection aboard.

V.

The official visitor should take with him instructions from his commander to enable him to authorize the vessel visited to proceed in case there are no obstacles, so as not to interrupt her passage any longer than is absolutely indispensable.

VI.

If the captain of the vessel visited should demand that a record of the visit be made, the official visitor will accede to this, and at the proper date insert in the log book a note, in the following form:

The undesigned (rank in the navy), serving in the (gunboat, cruiser, etc., of His Catholic Majesty, named ———, or auxiliary cruiser, or privateer), whose commander is (rank and name), states that on to-day (hour of morning or evening), by verbal commission of said commander, he has searched the (class of ship, name, and nationality), its captain (name of captain) having proved by the documents exhibited the legitimacy of the flag she flies and the neutrality of the cargo she carries.

Date.

Signature of the official visitor.

Place of stamp of searching vessel.

VII.

In the log book of the ship making search there will appear the act of the visit, setting forth the following circumstances:

- (a) Details of the summon or summons made to the vessel visited.
- (b) The hour in which she hove to.
- (c) Name and nationality of the vessel visited, and name of her captain.
- (d) The form in which the visit took place, its results, and the official who conducted it.
- (e) The hour the vessel was authorized to continue her voyage.

VIII.

The notification of the visit, according to the provisions of Article VI, will depend upon the wish of the captain of the vessel visited; whether or not he wants a record, but will be an indispensable formality, when the vessel carries wounded or sick soldiers, subjects of the enemy, because in such a case, by the act of visit alone, all the above-mentioned persons will be unable to again take arms during the continuance of the war, according to the provisions agreed to in the first paragraph of the additional Article X of the Geneva Convention.

Consequently, in such a case the visiting officer will so notify the chief or commander of the party, and in the log book of the ship visited will make a memorandum in the form Article VI prescribes, adding the following:

This vessel carries (number of wounded and sick) persons (of the army or navy or both), wounded and sick subjects of the enemy, none of whom, because of this visit, shall take up arms during the war, according to the clause contained in paragraph 1 of Article X, additional to the Geneva Convention, of which obligation I have informed the commander of the party, who said he was (rank and name).

IX.

[RIGHT OF SEARCH.]

The visit is not a jurisdictional act which the belligerent has; it is a natural and legitimate medium of defense, which international law places within reach for the purpose of preventing fraud and bad faith to come in aid of the enemy. Therefore, the exercise of this right should be practiced with the greatest moderation on the part of the belligerent, taking particular care to avoid unjustifiable demands and molestation of neutrals.

Consequently, the detention of the vessel to be searched will be as brief as possible, cutting short at the time all that is practicable; the exclusive object, as has been explained, is that the belligerent shall inquire into the neutrality of the vessel visited, and, in case it is bound for a port of the enemy, whether the nature of its cargo is neutral or harmless.

It is not necessary, therefore, to demand other documents than those setting forth one or the other of these conditions, the important object of the belligerent being merely to see that he is not prejudiced by favor and aid to his adversary, and that neutrals shall not furnish the enemy resources and means which would

contribute to prolonging the war; it not being his mission to see that vessels belonging to neutral powers shall be provided with all documents of navigation in regular form demanded by the domestic law of their country.

X.

The visit will result in the capture of the vessel under the following contingencies:

First. If the vessel should prove to be of the nationality of the enemy—excepting those cases of immunity established by the Geneva Convention and which are obligatory upon Spain. [These exceptions are noted at the end of this decree.]

Second. If active resistance is made to the visit—that is, if force has been employed to elude it.

Third. If upon examination legal documents are lacking to prove nationality.

Fourth. If the vessel lacks the legal documents to justify the nature of the cargo carried, its destination being an enemy port.

Fifth. If the cargo is composed entirely or in more than two-thirds part of contraband of war. When the illegal part of the cargo is less than two-thirds, the articles of contraband of war will be all that are confiscated, and for its discharge the vessel will be taken to the nearest and most convenient Spanish port.

It is necessary to have in mind that those articles which have a direct or immediate application to war are contraband only when they are bound to a port of the enemy; when they are shipped to a neutral port they will be war stores but not contraband. But it might happen that a vessel dispatched in a regular manner for a neutral port may proceed nevertheless to a port of the enemy; in such case, if it is encountered near one of the enemy ports or is navigating under control on a course very different from that which it should take, it is liable to capture, provided that the captain does not prove he was obliged by forces beyond his control to depart from his course.

Sixth. If the vessel transports, for the enemy, military officers, troops, or marines.

Seventh. If it transports papers or communications of the enemy; unless the vessel is a regular mail boat, and said papers or communications are in mail bags, boxes, or packages in which the public correspondence is carried, the captain in consequence being ignorant of their contents.

Eighth. If chartered by the other belligerent, or said service remunerated by him, the vessel would be acting as a spy on the operations of war.

Ninth. If a neutral vessel takes part in the war, contributing in any manner to its operations.

Capture also follows when, in the act of the visit, duplicate or false papers are discovered, because such a case comes within the prescriptions contained in the second or third of the above conditions, or in the two jointly; provided that neither the duplicate nor the false documents justify the conditions to which they refer.

Neither attempted flight in order to elude the visit nor any suspicion of fraud in respect to the nationality of the vessel or regarding the nature of the cargo authorizes its capture.

The fact that the papers of the vessel are drawn in a language which the official visitor does not know does not authorize the detention of the vessel.

XI.

Merchant vessels which navigate in convoy, under custody of one or more of the naval vessels of their country, are absolutely exempt from visits of belligerents, they being protected by the immunity which vessels of war enjoy.

As the sending of a convoy is a measure which emanates from the government of the state to which it pertains, it should be taken as an undoubted fact that its government not only would not permit any fraud, but would have concerted the most efficacious measures to avoid fraud being committed by any vessel belonging to the convoy.

It is therefore useless that a belligerent make inquiries of the commander of the convoy, when the neutrality of the vessels and their cargoes, which are in his custody, are guaranteed.

XII.

In the act of the visit it is not permissible to order the hatchways opened in order to examine the cargo, nor furniture to be opened to search for documents. The documents of the vessel presented by the captain to prove the legitimacy of the flag and the nature of the cargo are the only instruments of proof law admits.

XIII.

Although very rarely, it might occur that the essential documents of the vessel—those which refer to its nationality or the nature of the cargo—may have been lost, mislaid, or left on land by unintentional forgetfulness; if such a case occurs, and by other papers or means which the captain presents the visiting official is convinced of the neutrality of the vessel and its cargo, it may be authorized to continue its voyage. But if it is not possible to arrive at this conclusion the vessel will be detained and carried to the nearest Spanish port, so as to make the necessary investigations regarding the point or points which caused the doubt.

The commander of the searching vessel and the officers commissioned to make the visit should conduct the visit without undue inconvenience or prejudice against the good faith of the neutral visited, and without losing sight of the considerations and courtesies nations owe one to the other.

NOTES RELATIVE TO THE FIRST POINT OF ARTICLE X.

The clauses of the Convention of Geneva of August 22, 1864, and of its additional articles drawn up in the second diplomatic conference of the 20th of October, 1868, are as follows:

(a) The vessels which shall on their own account and risk gather up during or at the termination of the combat wounded or shipwrecked persons, or having received them shall conduct them to a floating hospital, or neutral one, shall enjoy, while they execute this mission, that degree of neutrality which circumstances of the engagement and the situation of the vessels permit.

The consideration of these circumstances are confided to the humanity of all the combatants.

The shipwrecked and wounded rescued in this manner will not serve again during the war.

(b) The personnel, religious and sanitary, and the effects of the hospital of all vessels captured are declared neutral. Therefore, on abandoning the vessel such personnel will take the objects and instruments of surgery which are personal property.

(c) The personnel mentioned in the former article should continue performing their office in the captured vessel and assist in the evacuation of the wounded, which the captor may direct, afterwards being at liberty to return to their own country, according to the provisions of paragraph 2 of the first of the additional articles.*

The stipulations of the second of said articles are also applicable to the personnel already referred to.†

* This article says the time of departure will be fixed by the commander of the occupying forces.

† Determines that the personnel neutralized will receive their salaries and emoluments.

(d) The military hospital ships will continue subject to the laws of war, as regards their material; therefore they will be the property of the captors, but may not be separated from their special service during the war.

(e) All merchant vessels, to whatever nation they may pertain, which convoy exclusively wounded and sick—acting as transports—will be considered as neutrals; but the visit of an enemy's cruiser, giving notice in the log book of the vessel visited, will suffice that those sick and wounded aboard will be incapacitated from again serving during the war. The cruiser will have also the right to place aboard a representative, who will accompany the convoy and guarantee the good faith of the transport.

If the merchant vessel carries a cargo besides, it will also be protected by neutrality, unless consisting of contraband of war.

The belligerents have the right to prohibit to neutral vessels all communication or any route which may be judged prejudicial to the concealment of their operations.

In urgent cases, the commanders in chief will enter into special agreements in order to neutralize for the time being, or in any particular manner, vessels destined for the transportation of the wounded and sick.

(f) The wounded and sick sailors and soldiers who may be embarked will be protected and cared for by their captors, to whatever nation they belong.

On returning to the country of their origin, they are prohibited from taking up arms again during the continuance of the war.

(g) The white flag with the red cross, in union with the national colors, will be the distinctive emblem to indicate that a vessel or boat claims the benefit of neutrality. Belligerents reserve to themselves regarding this point all the measures considered necessary for proof. Military hospital ships will have their sides painted white and portholes green.

(h) This class of vessels equipped by aid societies, recognized by the powers signatory to the Geneva Convention, provided with commissions emanating from the sovereign who has authorized their equipment, and a document of the competent marine authority setting forth that they are subject to inspection from the moment of sailing, and are to engage only in the special service for which they are destined, will be considered as neutrals, and will be protected and respected by the belligerents.

For identification, they will raise with their national colors the white flag with the red cross. The designation of the staff in the exercise of their functions will be a band with the same colors, and the vessel's sides will be painted white with red portholes.

These vessels will give aid and assistance to vessels and wrecks of the belligerents without distinction of nationality.

They will not impede or delay in any manner the movements of the belligerents.

They will operate during and after the combat at their own risk and danger.

On their part the belligerents will have over these vessels the right of inspection and search, having power to refuse their approach, to order that they withdraw, and even to detain them if the gravity of the circumstances demands.

The wounded and shipwrecked gathered up can not be reclaimed by any of the combatants, and will be incapable of serving during the war.

In marine wars a well-founded presumption that one of the belligerents is utilizing the benefits of neutrality for an object other than that of humanity in the aid of the wounded, shipwrecked, or sick authorizes the other belligerent to suspend the effects of the convention as to its adversary until the good faith placed in doubt is reestablished.

The Minister of Marine,

MADRID, *April 24, 1898.*

GESISMUNDO BERMEJO.

No. 8.

The Minister of State to the representatives of His Majesty abroad.

[Translation.]

MADRID, May 11, 1898.

EXCELLENCY: For the purpose of setting forth opportunely the significance of acts and incidents which are beyond doubt, and to establish once more their relation to the law of nations, the Government of His Majesty has resolved to address itself to the friendly powers, as follows:

(1) That war was declared on the part of the United States April 25, but, with strange and unlawful particularity, was made retroactive four days—that is to say, to April 21.

(2) In consequence of this illegitimate date the capture of the Spanish steamships *Buena Ventura*, *Pedro*, *Catalina*, *Miguel Jover*, *Saturnina*, of the schooners *Caudita*, *Antonio Sofia*, *Matilde*, and *Canelita*, and any others which may have taken place prior to April 25, the date of declaration of war, constitute other abusive and illegal acts, which can never serve as a ground for declaration of good prize without openly violating the principles of international law, admitted and sustained by the principal powers of Europe and by the United States.

(3) That the blockade of part of the north coast of Cuba, between Bahia Honda and Cardenas, and of the port of Cienfuegos on the south coast can not be considered effective, this being demonstrated by the entrance into Habana April 23 of the steamships *Cosme Herrera* and *Avilés* and the 7th of May of the schooner *Santiago*, and the 10th of May by the entrance of the steamship *Montserrat*; by the entrance into Cienfuegos April 22 of the steamship *Argonauta*, and the 26th of the same month of the *Montserrat*, and the 6th of May of the *Antinógena*. Neither is there any doubt that on the first of the month the blockade was absolutely interrupted on the north coast by the war vessels of the United States going away, being afterwards replaced by others smaller; the interruption indicated requiring, therefore, a new notification of apparent or intended blockade to any nation which has been notified.

In recognition of the truth, in defense of justice, and in the service not only of Spain, but also of all marine powers and colonies, which in the future, perhaps not very remote, may be placed in similar circumstances to those now confronting Spain, the Government of His Majesty has thought that you should inform the country to which you are accredited of the foregoing, and for this reason you may read this communication to the Minister for Foreign Affairs and leave a copy with him.

By royal order.

Dios, etc.,

PIO GULLÓN.

No. 9.

The Minister of State to the representatives of His Majesty abroad.

[Translation.]

MADRID, June 6, 1898.

EXCELLENCY: The Government of His Majesty, adhering to its purpose of submitting to the consideration of the friendly powers the proceedings contrary to the law of nations practiced by the United States in the present war with Spain, deems it necessary to add to those already set forth in the royal order (circular of the 11th of last May) various other incidents occurring subsequently, which will surely merit the disapprobation of the civilized world.

In order to give to these incidents their due importance, it is necessary to bear in mind that the nation putting them in practice is the same which upon different occasions censured Spain for the manner the war in Cuba was conducted, and is the nation which has claimed to justify its inexcusable conduct toward us by supposititious sentiments of humanity, which upon the first occasion it has denied in a most marked manner.

These incidents, so contrary to the law of nations and modern civilization, are bombardment without previous notification, the illegal use of the Spanish flag, and the cutting of submarine cables.

The principle in force in modern international law is that all bombardments should be preceded by a notification, so that neutrals can be placed in safety, and in particular women and children. What occurred at the bombardment of Paris, which might be adduced as a precedent contrary to the theory set forth, is not and should not be considered as such, because, according to Prince Bismarck's statement, not only the Chancellor, but also the German Secretary of State notified in time the diplomatic representation in Berlin and Paris of the risk to which those remaining in the latter capital were exposed. Notwithstanding this, the protest which the foreign ministers remaining in Paris felt called upon to make is well known.

Bluntschli, in article 554 of his International Code, says humanity demands that inhabitants be advised, in case of bombardment, of the time fire will be opened. Article 16 of the Declaration of Brussels provides for the same, and this is part of the Spanish regulations of campaign, article 935 of same stating as follows:

The destruction of a city by bombardment is an extreme only admitted by the lack of all other resources for reducing an important fortification. * * *

By all means the besieger should previously announce the time of bombardment and give a term for the departure of the pacific inhabitants.

Dudley Field, the North American statesman, a veritable authority on the subject and author of the code of the State of New York, in article 757 of his Project for an International Code, says:

The commander of any army who desires to bombard a city should begin by giving to the authorities notice of his intention, leaving them necessary time to send away all the inhabitants who are not active enemies.

The accepted instructions for the armies of the United States in campaign are inspired by the same humanitarian principle, for if they authorize bombardment by surprise (article 19) they specify it only in case of necessity (which is not applicable to the cases now under consideration), and the instructions state that commanders of the besiegers will always, if it be possible, give notification of their intention of bombarding the place, to the end, adds the referred-to article, "that the pacific citizens, especially the women and children, may be able to seek a refuge before the commencement of the bombardment."

The fleet of the United States, upon bombarding Cienfuegos, Cardenas, Santiago de Cuba, Cabañas, Matanzas, San Juan de Porto Rico, and Cavite, did so without notice, not respecting the proper measures and requirements of international morals, which are demanded by the law of nations.

Equally censurable is the act of various American vessels in making use of the Spanish flag in order to enter the port of Guantanamo. The same procedure, although it may have been used in past times and in extreme cases—especially in order to flee from a more powerful enemy—in our times is considered contrary to the military honor and courtesy which should exist in a contest between two regular armies. For this reason, in article 13 of the Declaration of Brussels of 1874 and in No. 8 of the Manual of the Laws of War, published by the Institute of International Law (Oxford, 1880), it is absolutely prohibited, in all cases, that there be used the flag, military insignia, or uniforms of the enemy, and such prohibitions completely conform to the true principles of the law of nations. Field, in his article 764, describes such acts as illegal stratagems. The interruption, even to the cutting of cables, is not contrary to positive international law, inasmuch as article 15 of the convention of March 14, 1884 (the only provision regarding the matter), excludes a state of war. But the application of this system may cause a tremendous inconvenience to the whole world, and is so contrary to the respect for private property which animates the recent declaration of principle that it can not be accepted without just protest, and without legitimate reprisal being made to the prejudice not only of the other belligerents, but also of neutrals.

The Government of His Majesty, faithful to the honorable and chivalrous traditions of the Spanish nation, has shaped all its acts, in the present war, by the most scrupulous respect to the principles of right, and considers that it is its duty to protest that the enemy is not conforming with equal scrupulousness to the laws of war. These constant infractions by the enemy place Spain in a most difficult position in conducting the campaign, establishing a great inequality, which accentuates the enormous superiority of the resources at the disposition of the United States.

In order to provide for the possible contingencies arising from these infractions, and to reestablish in part the equality of the struggle, the Government of His Majesty, on a repetition of such improper and censurable proceedings, will find it necessary to adopt radical measures; among them, that of considering whether the moment has arrived to abrogate, on its part, and without any consideration, all the rules of international law.

Your excellency will please read and give a copy of this note to the Minister for Foreign Affairs.

By royal order.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

THE CAPTURE OF VESSELS.

No. 10.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, *April 26, 1898.*

It is not possible to appreciate here the circumstances of the capture of the several Spanish vessels by the North American cruisers. I therefore beg your excellency to kindly arrange that the French Government give instructions to its ambassador in Washington to formulate such claims and protests as may be considered desirable for the protection of Spanish interests. By post I send your excellency a more detailed communication.

GULLÓN.

No. 11.

The Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, *April 26, 1898.*

EXCELLENCY: In addition to the telegram I have just had the honor of sending your excellency, I hasten to state to you that although the Government of His Majesty is not yet able to appreciate the circumstances of the capture of various Spanish vessels by North American cruisers, it seems that at least in some of the cases known up to the present time there were irregularities, or apparent irregularities, which would justify a protest to the Washington Government by the diplomatic representatives of France and Austria charged with the protection of Spanish interests in North America.

In fact, if the declaration of war is not an indispensable requisite in the opinion of many authors to the commencement of war or in its judicial effects from the moment of the existence of the first act of hostility, it is necessary to bear in mind that marine prizes must be judged by a competent tribunal, and that such tribunal, in the first instance, must apply national laws, and as the Constitution of the United States, section 8, determines that the declaration of war appertains to Congress it does not seem possible that an American court will consider as good prizes those made before the declaration of war by Congress.

It is not possible to destroy the force of this argument with the fiction of giving a retroactive aspect to the declaration of war, because it would be contrary to all right, principally affecting persons who were not able to have notice of the rupture of diplomatic relations.

Nevertheless, the Government of His Majesty, which up to this time has only had notice of the capture of the Spanish vessels *Buena Ventura*, *Matilde*, *Miguel Jover*, *Saturnina*, and *Catalina*, does not consider itself at present in possession of sufficient data to enable it to judge of the legitimacy of said captures, and limits itself to charging your excellency to submit to the French Minister for Foreign Affairs the considerations set forth, requesting him, if in his opinion he regards these data meriting attention, to telegraph his ambassador in Washington in order that he formulate such claims and protests as may be considered advisable.

These may have a very comprehensive character, embracing all the captures made previous to the date of the vote of declaration of war by Congress.

Of the results of your efforts, your excellency will please inform this Ministry as soon as possible.

By royal order.

Dios, etc.,

PIO GULLÓN.

No. 12.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, April 27, 1898.

The Minister for Foreign Affairs has telegraphed to the ambassador of France in Washington as your excellency desires.

LEÓN Y CASTILLO.

No. 13.

The Ambassador of His Majesty in Paris to the Minister of State.

PARIS, May 2, 1898.

EXCELLENCY: In view of the dispatch of your excellency, dated April 26, relative to the seizure of Spanish merchant ships by the North American Navy before the official declaration of war, I had a conference with the French Minister for Foreign Affairs and laid before him the considerations your excellency sets forth.

As I reported to your excellency by telegraph, Mr. Hanoteaux has communicated with the ambassador of France in Washington, enjoining the greatest zeal in the matter. M. Cambon, in a dispatch which the Minister read me, answered, stating that up to that date he only had official notification of one prize—the steamship *Buena*

Ventura. It is impossible to take the preparatory steps for any claims in the other cases unless those interested begin by making appeal through the consuls of Austria and France. Your excellency remembers that these nations have divided the protection of our citizens and their interests in the United States—those in the South pertaining to France and in the North to Austria. Therefore, it is indispensable that those damaged apply to the consul who exercises protection in the locality where the damage has been caused. The consul will then present the claim himself, or have recourse to his ambassador. Without this appeal from the parties injured the French and Austrian consuls and diplomatic authorities will not be able to do anything.

On the other hand, a prize court has already been constituted, and in the future it will be necessary to proceed judicially.

In regard to this point I have advices that whatever may be the judgment of the prize court respecting captures made by the American Navy before war was officially declared, the general belief in the United States is that if those interested appeal to the Federal Supreme Court this will annul the sentences where captures have been declared good prizes under the conditions referred to.

This fully answers the dispatch of your excellency referred to.

Dios, etc.,

F. DE LEÓN Y CASTILLO.

NOTE.—A copy of this dispatch has been given to all shipowners who have appealed to the Minister of State.

No. 14.

The Consul of Spain at Liverpool to the Minister of State.

[Translation.]

LIVERPOOL, June 24, 1898.

EXCELLENCY: The 16th day of June there appeared in this consulate the crew, composed of 32 persons, including the captain and officers, of the Spanish steamship *Rita*, of 2,093 tons burden and 1,396 tons cargo, and registered in Santander. Her captain, Don Pedro Céniga, declares that, being anchored in the port of St. Thomas, the consul of Spain ordered him to sail for Porto Rico, which he did in virtue of order received from that official, and before arriving at the port of his destination he was overtaken and seized by the auxiliary cruiser *Yale* and taken to Charleston, the crew being sent by rail from there to New York.

Also, the captain declares that, finding himself in New York without resources, they embarked on the English steamship *Britannic*, of the White Star Line, which brought them to this port, where

Messrs. Bohr Behrend Kors, the consignees of the Serra Company, to which the steamship *Rita* belongs, paid the cost of their passage, amounting to £227 17s. 8d.

The captain, in giving me an account of all that occurred since his departure from St. Thomas, delivered to me a copy of the order received from the consul; the expense accounts of the crew from the 14th day of last April, when he sailed from Santander for Porto Ricó; the account of the passage on the *Britannic* from New York to this port; and a protest, which document at his petition is inclosed to your excellency.

I make known to your excellency that when the captain delivered to me the documents cited I read to him the whole of article 643 of the Code of Commerce, he being fully informed of its contents.

In consequence of the crew being here without resources of any kind, on the 17th I embarked them for the Peninsula on the Spanish steamship *Niña*, the consulate simply paying their maintenance during the voyage; also, I have paid the custom-house here for storage and transportation of their effects to the steamship *Niña* £1 17s., which amount I charge to extraordinary expenses, all of which I have the honor of submitting to your excellency.

Dios, etc.,

ENRIQUE MEDIANO.

No. 15.

The Under Minister of State to the Consul of Spain in Liverpool.

[Translation.]

MADRID, June 28, 1898.

By royal order communicated by the Minister of State, I have the honor of acknowledging the receipt of your dispatch No. 30, of the 24th instant, relative to the protest of the crew of the steamship *Rita*, informing you that the course you followed in this matter is approved, and that your dispatch and accompanying papers have been handed to the Minister of Marine.

Dios, etc.,

L. POLO DE BERNABÉ.

No. 16.

The Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, July 15, 1898.

EXCELLENCY: In reference to the royal order 138 of 26th of April last, relative to the seizure of certain Spanish merchant ships by the

United States men-of-war, I hand your excellency a copy of the statement (and its accompanying documents) of Messrs. Lopez Trigo Brothers, merchants of Coruña, in reference to the seizure of the steamship *Guido* in Cuban waters by an American man-of-war, which took the vessel to Key West. The owners protest against this act and ask that proper diplomatic claim be made, so they will be indemnified for the value of the merchandise seized.

Granting that the steamship *Guido* sailed from Coruña April 9, or a number of days previous to the rupture of relations between Spain and the United States and the declaration of war by the latter, and considering what is set forth in the proclamation of the President of the North American Republic relating to the judicial rules to be observed in the war with Spain, the Government of His Majesty considers that, while it is not possible to appreciate here all of the circumstances of the seizure of the steamship *Guido*, it appears to be one of those cases in which irregularities exist, as I said to your excellency in royal order of April 26, which might justify a protest to the Washington Government by the representatives of France and Austria charged with the protection of Spanish interests in the United States.

Although the ship may have been seized after the declaration of war, which matter is not specified in the statement of the interested parties, it is nevertheless proper to discuss the legality of the seizure, because in justice the consequences of war should not be applied to vessels which, having sailed previous to its declaration, were ignorant of its existence, and therefore were not aware they were running the risks of it.

On the other hand, the fourth paragraph of the President's proclamation (which has been referred to) declares that Spanish merchant vessels may be in American ports and localities until May 21, inclusive, and depart from said ports, and if they are encountered on the high seas by American ships will be permitted to continue their voyage, etc.

It is therefore just that if ships sailing from American ports after the declaration of war are respected, with more reason those vessels should be respected sailing from other ports *before the declaration of war*, not having anything aboard which could be considered contraband of war.

By royal order I communicate this to your excellency, begging you that if the considerations just set forth are thought meriting attention you will submit them to the French Minister for Foreign Affairs, arranging that he charge his ambassador in Washington to make the claims and protests which are considered necessary.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 17.

The Ambassador of His Majesty in Paris to the Minister of State.

[Translation.]

PARIS, *July 26, 1898.*

EXCELLENCY: I have the honor of acknowledging royal order 268, referring to the claims of Messrs. Lopez Trigo Brothers, merchants of Coruña, against the seizure of the steamship *Guido*, in the waters of Cuba, by an American man-of-war, which took her to Key West. In compliance with the mentioned royal order, I directed to the Minister for Foreign Affairs the claim under consideration, my note being accompanied by the original documents and statement your excellency sent me.

Dios, etc.,

F. DE LEÓN Y CASTILLO.

No. 18.

The Under Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, *September 30, 1898.*

EXCELLENCY: Annexed I have the honor of placing in your hands a statement, which, under date of September 28, has been directed to this Ministry by Don Isidro Bertrán, captain of the corvette *Carlos F. Rosés*, captured by the United States cruiser *New York* in sight of the island of Cuba and declared a good prize by the proper tribunal the 3d day of June last. He solicits that the Government of His Majesty claim from the United States an indemnity of £4,500 gold, on account of said corvette having begun her voyage previous to the rupture of relations between the two countries.

By royal order communicated by the Minister of State, I transmit this to your excellency for your information and to the end that, through the medium of the French Minister for Foreign Affairs, it will come into the hands of the representative of France in Washington in order that, representing Spanish interests, he may formulate the claims and protests considered necessary.

Dios, etc.,

L. POLO DE BERNABÉ.

No. 19.

The Ambassador of His Majesty in Paris to the Minister of State.

[Translation.]

PARIS, *October 5, 1898.*

EXCELLENCY: In reply to the notes I addressed to the French Minister for Foreign Affairs, under dates of July 6 and September 9 past, I have the honor to transmit to your excellency copy of the note sent me by Mr. Delcassé relative to the capture of the Spanish steamship *Guido*, which sailed from Coruña before the declaration of war and was seized by the United States Navy in the waters of the Antilles. After transmitting the reflections and arguments of the French ambassador on the subject, he asks for the conclusions and decisions which His Majesty's Government may take in the matter.

Dios, etc.,

F. DE LEÓN Y CASTILLO.

[Inclosure.—Translation.]

The French Minister for Foreign Affairs to the Ambassador of His Majesty.

PARIS, *September 27, 1898.*

MR. AMBASSADOR: Complying with the desires of your excellency of July 26 past, I sent to our ambassador in Washington the statement of Messrs. Lopez Brothers, merchants of Coruña and owners of the ship *Guido*, protesting against the capture of said vessel by the American authorities. Mr. Jules Cambon, after carefully studying the matter, sent me to-day his impressions regarding it.

In transmitting to me the mentioned statement, your excellency observed that Spanish merchant vessels sailing from American ports under the conditions set forth in paragraph 4 of the proclamation of the President of the United States, dated April 26, 1898—that is to say, after the declaration of war—were authorized to continue their journey, and therefore for the same reason equal favor should be accorded to those vessels sailing from other ports “previous to April 21.”

Our representative in Washington fears that this argument will not be admitted by the Department of Justice, in spite of its apparent equity.

In fact, in conformity with the principles determined by the decisions of the Federal Court, Judge J. W. Locke decided that a prize court is of privileged jurisdiction and should not be bound by considerations of equity, which govern ordinary courts.

According to this judge it is necessary to execute literally the provisions of the President's proclamation before cited, which states the cases where merchant vessels are protected from capture.

Therefore, the immunities indicated in paragraph 4 of said document are only applicable to those Spanish ships which found themselves at the time of the declaration of war in American ports, this not being the case of the *Guido*, which at that time was navigating in the waters of Habana.

Neither can paragraph 5 of the proclamation be invoked in favor of this vessel, because it solely concerns those “Spanish vessels which sailed *before April 21* from a foreign port with a *port of the United States as destination.*”

The *Guido*, having sailed from Coruña before April 21, was bound, not to a United States port, but to Cuba, and therefore is not comprehended in the conditions set forth in articles 4 and 5, and not authorized to continue her voyage.

Mr. Jules Cambon, believing he should not begin efforts which might not have a probability of being crowned with success, asks instructions from me, and I, on my part, beg that your excellency will please indicate to me if, after a fresh examination of the subject, the Government of the Queen Regent maintains and insists upon its former conclusions, and it is desired to submit the case under consideration to the Federal Government.

I improve, etc.,

DELCASSÉ.

No. 20.

The Under Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, *October 12, 1898.*

EXCELLENCY: Inclosed I have the honor of handing your excellency a statement of the 10th instant directed to this Ministry by Don Pedro Gust, captain of the bark *Frasquito*, seized by the North American cruiser *Montgomery* the 5th of last May and declared a good prize by the proper court.

He prays that the Government of His Majesty claim from the United States Government an indemnification of 100,000 pesetas, because said vessel began her voyage before the rupture of relations between the two countries.

By royal order, communicated by the Minister of State, I transmit to your excellency for your information and to the end that, through the medium of the French Minister for Foreign Affairs, it will come into the hands of the representative of France in Washington (charged with Spanish interests) for the purpose of formulating the claims and protests considered proper.

Dios, etc.,

L. POLO DE BERNABÉ.

No. 21.

The Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, *October 19, 1898.*

EXCELLENCY: I have received dispatch No. 390 of the 5th instant, which accompanies copy of note directed to you by the French Minister for Foreign Affairs, relative to the capture of the Spanish steamship *Guido* in the waters of the Antillas by the marine of the United States.

In answer I beg that your excellency will please express to the Minister that the Government of His Majesty will feel obliged if he makes known to the ambassador of France in Washington its desire that, in view of the considerations set forth, he suspends the proposed claim, without prejudice, so that if in the future there may arise favorable circumstances they can be taken advantage of, especially if they offer hope of a successful termination.

By royal order I communicate this to your excellency for your information and purposes expressed.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 22.

The Ambassador of His Majesty in Paris to the Minister of State.

[Translation.]

PARIS, October 26, 1898.

EXCELLENCY: I have the honor of acknowledging receipt from your excellency of the royal order No. 394 of the 12th instant relative to the seizure of the bark *Frasquito* by the North American cruiser *Montgomery*. I should inform your excellency that according to the provisions of this royal order I have transmitted to the French Minister for Foreign Affairs the statement of Capt. Pedro Gust, to the end that he shall place it in the hands of the representative of France in Washington (charged with Spanish interests) for the claims and protests considered necessary.

Dios, etc.,

F. DE LEÓN Y CASTILLO.

No. 23.

The Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, October 28, 1898.

EXCELLENCY: By royal order I have the honor to transmit to your excellency, in order that, in the customary way, you will have placed in the hands of the French ambassador in Washington the inclosed claim (with its attached documents) of the captain of the Spanish lugger *Lorenzo*, seized by the North American Navy, so that, if a favorable occasion arise in which it appears probable that the demand will have attention, he present it to the Secretary of State, in the form he may consider most adequate.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 24.

The Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, *November 2, 1898.*

EXCELLENCY: By royal order I have the honor of transmitting to your excellency, in order that in the customary way you will please have placed in the hands of the French ambassador in Washington the inclosed claim of the owner of the schooner *María Dolores*, seized by the North American naval forces, so that if a favorable opportunity arise in which there is a probability that the demand will have attention he may present it to the Secretary of State at an opportune moment and in the form he considers most adequate.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 25.

The Ambassador of His Majesty in Paris to the Minister of State.

[Translation.]

PARIS, *November 4, 1898.*

EXCELLENCY: I have the honor of informing your excellency that I have received royal order No. 402, with which were inclosed the documents relative to the claim presented against the American Government by the captain of the Spanish vessel *Lorenzo*.

As directed in the same, I have hastened to transmit it to the French Minister for Foreign Affairs, to the end that, when the French ambassador in Washington thinks it advisable, he may submit the claim.

Dios, etc.,

F. DE LEÓN Y CASTILLO.

No. 26.

The Ambassador of His Majesty in Paris to the Minister of State.

[Translation.]

PARIS, *November 25, 1898.*

EXCELLENCY: I have the honor of advising your excellency that I have received the royal order No. 415, of the 2d instant, relative to the claim of the owner of the schooner *María Dolores*, seized by the North American naval forces, and, according to the aforecited royal measure, yesterday I handed the documents to the French Minister for Foreign Affairs, to be transmitted to the ambassador of France in Washington.

Dios, etc.,

F. DE LEÓN Y CASTILLO.

No. 27.

The Ambassador of Her Britannic Majesty to the Minister of State.

NOTE VERBALE.

MADRID, *October 28, 1898.*

Mr. Melander, an American citizen, was made prisoner, as I understand, by the Spanish authorities of Ponapé in the Caroline Islands.

As it appears, Mr. Melander, who had been a merchant in these islands since 1889, entered Ponapé July 4, on board his vessel, being ignorant that a state of war existed between the United States and Spain. He was consequently made prisoner, and is now awaiting the condemnation of his vessel.

The ambassador of Her Britannic Majesty has been instructed by the Marquis of Salisbury to use his good offices with the Spanish Government for the purpose of obtaining the liberty of the prisoner and a treatment as equitable and liberal as may be possible in the affair of the condemnation of the vessel seized.

No. 28.

The Minister of State to the Ambassador of Her Britannic Majesty.

[Translation.]

NOTE VERBALE.

PALACE, *November 3, 1898.*

The minister of His Catholic Majesty has received the note verbale of the ambassador of Her Britannic Majesty of the 28th ultimo, in which, on account of the seizure made July 4 by the Spanish authorities at Ponapé of the American citizen Mr. Melander and his vessel, he exercises his good offices for the purpose of obtaining the liberty of the former and a treatment as equitable and liberal as possible in the matter of condemnation of the seized vessel.

The Government of His Majesty is pleased to announce to the ambassador of Her Britannic Majesty that under this date appropriate orders have been sent that Mr. Melander be put at liberty, if he has not already been, and will have much pleasure in arranging that the same is done with the vessel seized as soon as the American Government expresses its intention to adopt equal steps regarding the Spanish vessels *Guido*, *Lorenzo*, *María Dolores*, and others seized by the United States Navy under identical circumstances—that is to say, having begun the voyage before the declaration of war and their respective captains being at the moment of capture ignorant that it existed.

No. 29.

The French Ambassador to the Minister of State.

[Translation.]

MADRID, *December 1, 1898.*

DEAR DUKE: In notes of July 26 and 9th and 15th of September past, the ambassador of Spain in Paris sent to the Minister for Foreign Affairs, for the purpose of sending them to the American Government, various protests against the seizure of the steamship *Guido*.

The Minister for Foreign Affairs informs me that all the documents relative to this matter have been transmitted through our ambassador in Washington to the Secretary of State, he placing them in the hands of the Attorney-General, who will determine the claims.

Receive, etc.,

PATENÔTRE.

CABLE SERVICE.

No. 30.

The Minister of State to the ex-Minister of His Majesty at Washington.

[Telegram.—Translation.]

MADRID, April 27, 1898.

I am much disturbed by the lack of communication we shall have with the Antilles and the United States, if they succeed in cutting the cables, and desire the opinion of your excellency as to means for remedying it.

GULLÓN.

No. 31.

The ex-Minister of His Majesty at Washington to the Minister of State.

[Telegram.—Translation.]

TORONTO, CANADA, April 28, 1898.

Your excellency may communicate with Cuba by sending telegrams to consul at Kingston. He can charter schooners to take correspondence to Santiago de Cuba from the north coast of Jamaica. With this in view, I sent there Consul Castro and Vice-Consul Brigas, so the consul at Kingston might have assistants of confidence.

POLO.

No. 32.

The Spanish Consul in Hongkong to the Minister of State.

[Telegram.—Translation.]

HONGKONG, May 3, 1898.

Telegraph was interrupted yesterday afternoon between Manila and Hongkong.

NAVARRO.

No. 33.

The Minister of State to the Spanish Consul in Hongkong.

[Telegram.—Translation.]

MADRID, May 3, 1898.

The Manila cable being cut by the enemy, it is necessary that your excellency make efforts to transmit what news you judge of interest and reliability.

GULLÓN.

No. 34.

The Spanish Consul in Hongkong to the Minister of State.

[Telegram.—Translation.]

HONGKONG, May 7, 1898.

Difficult to charter steamers for fear of the Americans. They demand guaranties of values and damages.

NAVARRO.

No. 35.

The Minister of State to the Spanish Consul in Hongkong.

[Telegram.—Translation.]

MADRID, May 5, 1898.

Tell me if you can reestablish communication with Manila via Bolinao, sending dispatches there by foreign steamers, to be forwarded by land telegraph lines from Bolinao.

GULLÓN.

No. 36.

The Spanish Consul in Hongkong to the Minister of State.

[Telegram.—Translation.]

HONGKONG, May 18, 1898.

I have asked the governor-general of the Philippines if telegraph is open between Bolinao and Manila. Marine communication between Hongkong and the Philippines is interrupted. It seems less difficult to communicate by Labuan-Singapore.

NAVARRO.

No. 37.

The Spanish Consul in Hongkong to the Minister of State.

[Telegram.—Translation.]

HONGKONG, May 27, 1898.

Did not send dispatches to the north of Luzon, as there is no communication between Aparri and Manila.

NAVARRO.

No. 38.

The Spanish Consul in Singapore to the Minister of State.

[Telegram.—Translation.]

SINGAPORE, May 29, 1898.

Spaniards just arrived from Iloilo tell me that the Manila-Capiz cable was cut in Manila by the Americans the 23d.

MARINAS.

No. 39.

The Minister of State to the Spanish Consul in Hongkong.

[Telegram.—Translation.]

MADRID, *May 30, 1898.*

Please inform me by cable if you have means and the approximate cost of communicating with reasonable regularity with the Philippines, making use of neutral vessels to carry dispatches either to Lingayen, Aparri, or a port in the north of Luzon, in order to go from there by telegraph on land to Manila. State anything on this subject which you may think more practicable and secure.

ALMODÓVAR.

No. 40.

The Minister of State to the Spanish Consul in Singapore.

[Telegram.—Translation.]

MADRID, *May 30, 1898.*

Please inform me by cable if you have means and the approximate cost of communicating with reasonable regularity with the Philippines, making use of neutral vessels, which will carry dispatches either to Tayabas, or Alby, or a port on the south coast of Luzon, in order to go from there on land by telegraph to Manila. State anything bearing upon the subject which you may consider more practicable and secure.

ALMODÓVAR.

No. 41.

The Consul of Spain in Singapore to the Minister of State.

[Telegram.—Translation.]

SINGAPORE, *June 1, 1898.*

Received your excellency's telegram. Was occupied yesterday and to-day without ceasing in unsuccessful efforts. The captains fear capture or incurring responsibility. Nevertheless, I have found one who inspires confidence and will take Spanish sailor as pilot for Philippine coasts. But he can not give definite answer for twelve days, when the head of the house is expected. Asks \$200 daily in advance. Vessel sails 8 miles an hour.

MARINAS.

No. 42.

The Consul of Spain in Singapore to the Minister of State.

[Telegram.—Translation.]

SINGAPORE, June 12, 1898.

The head of the house owning steamer has arrived. He refuses to charter it, the vessel being small for the trip, and, besides, now storms are beginning.

MARINAS.

No. 43.

The Minister of the Colonies to the Minister of State.

[Translation.]

MADRID, June 13, 1898.

By royal order of this date, the Ministry of the Government communicates the following:

EXCELLENCY: In view of the royal order of this Ministry of the 26th of May past, in which was given an account of the measure dictated by the commission of the telegraphic corporation established in London in order that the concessionary company of the telegraphic cable between Hongkong and Manila might suspend the transmission of cablegrams by said cable, on account of it being cut and the Manila end seized by the American squadron, which measure was approved by the ambassador of His Majesty in London and has been complied with by said cable company, which has sealed the Hongkong end; in view of article 12 of the grant approved for the first concession of a submarine cable from Hongkong to Bolinao, and sixth article of the new grant for the concession of the same cable from Hongkong to Manila, approved by royal decree of March 28 last; in conformity with the provisions established in article 8 of the international telegraphic convention of St. Petersburg of 1875, affirmed in the regulations of Budapest, and taking into account the advantages of the measure under consideration, by reason of the circumstances which afflict the Philippine territory, and particularly its capital, His Majesty the King, and in his name the Queen Regent of the Kingdom, has been pleased to order that the measure proposed by the aforesaid commission, regarding the cable from Hongkong to Manila, is approved, and communicates the present royal order to the Minister of State, that he may advise the respective governments of the other nations who have signed the international telegraphic regulations of Budapest, additional to the convention of St. Petersburg.

By royal order I state this to your excellency for your information and compliance with its determinations.

Dios, etc.,

VICENTE ROMERO GIRÓN.

No. 44.

The Minister of State to the Consul-General of Spain in Berne.

[Translation.]

MADRID, July 17, 1898.

The commission of the corporations of telegraphs established in London agreed recently that the concessionary cable telegraph

company between Hongkong and Manila might suspend the transmission of messages on account of the cable having been cut and the Manila end seized by the American squadron, which step was approved by the ambassador of His Majesty in London and has been complied with by the cable company sealing the Hongkong end of the cable.

The Ministry of the Colonies stated to this Ministry of the State, under date of June 13, that in view of what is set forth in article 12 of the grant approved for the first concession of a submarine cable from Hongkong to Bolinao, and the sixth article of the new grant of concession of the same cable from Hongkong to Manila of the 28th of last March, and in conformity with the conditions of article 8 of the international telegraphic convention of St. Petersburg of 1875, affirmed in the ordinance of Budapest, and taking into account the advantages of the measure treated of, on account of the circumstances afflicting the Philippine territory, and in particular its capital, the Government of His Majesty has approved the understanding adopted by said commission for the cable from Hongkong to Manila.

By royal order I communicate this to you, to the end that you will please communicate it to the Federal Government in order that by means of the central international office, and in virtue of what is set forth in article 14 of the St. Petersburg convention and article 80 and following of the regulations of Budapest it may be communicated, if thought best, to the governments of the signatory nations of the aforesaid international agreements.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 45.

The Chargé of the Spanish Consulate-General in Switzerland to the Minister of State.

[Translation.]

ZURICH, June 23, 1898.

MY DEAR SIR: I have the honor of acknowledging to you the receipt of the royal order No. 30 of the 17th instant, and, informed of its contents, I hastened to communicate it to His Excellency the President of this Confederation, in charge of the Department of Foreign Affairs, in order that, if it is thought best, by means of the international central office, it may communicate it to the governments of the signatory nations of the international agreements of St. Petersburg, affirmed in the ordinance of Budapest, referring to the original concession of the submarine cable from Hongkong to Manila.

Dios, etc.,

MANUEL DE SOTA.

No. 46.

The Ambassador of Her Britannic Majesty to the Minister of State.

[Translation.]

CONFIDENTIAL LETTER.

MADRID, *July 4, 1898.*

MY DEAR DUKE: The commander in chief of the British forces in China telegraphs, under date of the 2d instant, that it might be possible to avoid injury to the life and property of citizens by permitting the reestablishment of the cable from Hongkong to Manila, solely for the purpose of meteorological service. He adds that the matter is urgent, and all danger will disappear when said communication is established.

The Foreign Office orders me to make, without delay, a representation in the sense indicated to the Spanish Government.

I am, etc.,

F. DRUMMOND WOLFF.

No. 47.

The Minister of State to the Spanish Consul in Kingston, Jamaica.

[Telegram.—Translation.]

MADRID, *July 5, 1898.*

Telegraphic communications with Santiago de Cuba are interrupted by bombardment. Please arrange service between your port and the best point for transmitting to Habana Government telegrams which may be sent you. Recommend activity.

ALMODÓVAR.

No. 48.

The Minister of the Colonies to the Minister of State.

[Translation.]

ROYAL ORDER.

MADRID, *July 5, 1898.*

EXCELLENCY: In view of the royal order of the Ministry of the Government communicating the statement of the Spanish commission of the corporation of telegraphs in London in regard to the interruption of cipher telegrams sent to Mexico from the islands of Cuba and Porto Rico and from the Peninsula via Jamaica by the American Cable Company connecting with Colon and Panama, and in view of what was stated to your excellency respecting this matter

in royal order of this Ministry of 23d of last May, so that your excellency might confer with the representatives in Madrid of the Mexican Republic and those of Central America regarding the unhindered transit of the cipher telegrams alluded to, and that in the same manner similar negotiations might be undertaken by our representatives to these nations, His Majesty the King, and in his name the Queen Regent of the Kingdom, has been pleased to dispose that I remind your excellency of what is set forth in the cited royal order of the 23d of May, and most particularly that your Ministry, of which you are the worthy head, arrange with the minister of Colombia in Madrid that the abuse be discontinued which the American company, owners or controllers of the cable from Jamaica to Colon, commit in intercepting our cipher cablegrams arriving at Jamaica on the way to Mexico, and in the same manner open analogous negotiations with said Government through the channel of our representative in said Republic. This the Government of Colombia should not tolerate or ignore. This of royal order I send to your excellency for your information and appropriate execution.

VICENTE ROMERO GIRÓN.

No. 49.

The Minister of State to the Minister Plenipotentiary of Colombia.

[Translation.]

PALACE, July 5, 1898.

MY DEAR SIR: The Government of His Majesty continues to observe that the cipher telegrams directed to Mexico from Cuba, Porto Rico, and the Peninsula are constantly intercepted in Colon or Panama by the Americans controlling the cables connecting Jamaica with Colon and Panama with San Juan del Sur.

Both cables being in Colombian territory, right of censorship only appertains to the Government which your excellency so worthily represents in this Court, and not in any manner to the operating company.

In view of this, and the Government of His Majesty confiding in the sincere friendship which the Government of the Republic of Colombia has constantly shown it, I urge through your excellency that the Government of the Republic take opportune measures to the end that, according to the demands of neutrality, obstacles or hindrances be not placed on the cipher telegraphic communications which are sent by the referred-to cables from Cuba, Porto Rico, or the Peninsula.

In the hope that your excellency will think best to inform your Government quickly by cable, I tender in advance the most sincere thanks of His Majesty. I reiterate to your excellency, Mr. Minister, the assurance of my most distinguished consideration.

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 50.

The Minister of State to the Consul-General of the Greater Republic of Central America.

[Translation.]

PALACE, July 5, 1898.

MY DEAR SIR: The Government of His Majesty continues to note that cipher dispatches directed to Mexico from Cuba, Porto Rico, and the Peninsula are constantly intercepted by the American Cable Company which unites San Juan del Sur (Nicaragua) with La Libertad (San Salvador).

These cables being in the territory of the Republics which form the Greater Republic of Central America, the right of censorship appertains alone to the two countries cited—Nicaragua and San Salvador—or to the Federal State, and not in any manner to the operating company.

In view of this, the Government of His Majesty, confiding in the sincere friendship which binds him to these States, urge through your excellency that your Government take opportune measures, complying with the precepts of neutrality, that obstacles or hindrances be not imposed on the cipher telegraphic communications which are sent by the referred-to cables from Cuba, Porto Rico, or the Peninsula.

In the hope that your excellency will think best to inform your Government by cable, receive in anticipation the most sincere thanks of His Majesty.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 51.

The Minister of State to the Chargé d'Affaires of Mexico.

[Translation.]

PALACE, July 5, 1898.

MY DEAR SIR: The Government of His Majesty continues to observe that the cipher telegrams directed to Mexico from Cuba,

Porto Rico, and the Peninsula, by the way of Jamaica, Colon, Panama, San Juan del Sur, La Libertad, and Salina Cruz, are constantly intercepted without right by the North American company controlling said cable.

In view of this, and because the right of censorship appertains to those Governments in whose territories the cables are landed, and not to the companies controlling them, the Government of His Majesty, confiding in the sincere friendship binding him to Mexico, urges that Mexico take opportune measures to the end that, complying with the demands of neutrality, obstacles or hindrances may not be placed to the cipher telegraphic communications which are sent by the referred-to cables from Cuba, Porto Rico, or the Peninsula.

In the hope that your honor will think best to inform your Government by cable, receive in anticipation the thanks of His Majesty.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 52.

The Under Minister of State to the Representatives of His Majesty in Mexico, Colombia, and Central America.

[Translation.]

MADRID, July 5, 1898.

EXCELLENCY: On this date the representative in Spain of the country to which you are accredited was addressed as follows:

[Contents of notes Nos. 49, 50, and 51.]

Which, by royal order communicated by the Minister of State, I send your excellency, emphasizing the urgency of arranging with the Government to which you are accredited for the unhindered transit of official cipher telegrams by the American cables in Colon and Panama, which matter, at this time of unusual importance, the Minister confides to the well-known zeal and patriotism of your excellency.

Dios, etc.,

L. POLO DE BERNABÉ.

No. 53.

The Minister of State to the Spanish Consul at Kingston, Jamaica.

[Telegram.—Translation.]

MADRID, July 6, 1898.

Telegraphic communication reestablished. Limit yourself to arranging means of substituting it in case of new interruption.

ALMODÓVAR.

No. 54.

The Minister of State to the Ambassador of Her Britannic Majesty.

[Translation.]

CONFIDENTIAL LETTER.

MADRID, *July 6, 1898.*

MY DEAR SIR HENRY DRUMMOND WOLFF: You may have the assurance that the Government of Spain agrees entirely with the sentiments expressed in your letter of the 4th instant respecting the importance of the meteorological advices proceeding from our astronomical observatory at Manila, and truly deplores that this service has fallen into the same state in which it was previous to having the cable from Hongkong to Manila.

We do not oppose the reestablishment of telegraphic communication between Manila and Hongkong, on the condition that the cable is considered neutralized, removing the station of Eastern Extension to a point of the Bay of Manila not occupied by the enemy, and the cable being equally at the disposition of all interested, including the Spanish authorities, without there being exercised over the transmission of dispatches any kind of censorship.

I am, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

NOTE.—To this proposal of the Government of His Majesty no answer was received from the Government of the United States.

No. 55.

The Minister of State to the Minister of the Colonies.

[Translation.]

PALACE, *July 6, 1898.*

EXCELLENCY: In answer to the royal order issued by your excellency under date of yesterday, I have the honor of informing you that I urged, with all interest and pressure by the channel of the representatives in Madrid of Colombia, Central America, and Mexico, and through our representatives in said countries, the free transit of those cipher telegrams which, from Cuba, Porto Rico, or the Peninsula, may be sent by cables landed in Colon, Panama, San Juan del Sur, La Libertad, and Salina Cruz. As the controlling companies are American, and as the cables are not subject to the international telegraphic convention, it is certain that the freedom we solicit will present difficulties, but nevertheless I will demand it urgently, convinced of the advantage to us.

By royal order, etc.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 56.

The Consul of Spain in Kingston to the Minister of State.

[Telegram.—Translation.]

KINGSTON, JAMAICA, July 7, 1898.

Received telegram from your excellency. I should inform you that in case cable fails communication of Jamaica with the island of Cuba is almost impossible.

MARCONELL.

No. 57.

The Consul of Spain in Kingston to the Minister of State.

[Telegram.—Translation.]

KINGSTON, JAMAICA, July 8, 1898.

Cable interrupted by withdrawal of employees.

MARCONELL.

No. 58.

The Chargé d'Affaires of Mexico to the Minister of State.

[Translation.]

MADRID, July 8, 1898.

EXCELLENCY: I had the honor to receive your excellency's note No. 23, dated the 5th of the month, in relation to the continued interruption by the North American company controlling the cable via Jamaica, Colon, Panama, San Juan del Sur, La Libertad, and Salina Cruz of cipher telegrams sent by Spanish authorities. I have transmitted the note to my Government and beg your excellency to have the goodness to inform me if the cipher messages your excellency refers to are intercepted in the offices established by the cable company in territory of the Mexican Republic. If this should be so, I will telegraph immediately to my Government the request of the Government of His Majesty; as confident as your excellency that within the precepts of neutrality, and having in view the contracts of the company, this matter will be determined in harmony with the cordial relations which happily unite Mexico and Spain.

I improve, etc.,

FRANCISCO A. DE ICAZA.

No. 59.

The Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, *July 8, 1898.*

EXCELLENCY: The establishment of a cable between Santiago de Cuba, Haiti, and Santo Domingo was conceded by royal decree April 1, 1887, to the Compagnie Française des Cables Télégraphiques, whose company's domicile is in Paris, No. 38 Avenue del Opera. This cable is landed in the Bay of Guantanamo, with a branch to the port of Caimanera, points occupied at the present time by the American troops.

The Government of His Majesty has had advices that this cable is utilized by the American army, the French company not interposing difficulties of any kind. By such attitude the concessionary company is wanting in loyalty to Spain, especially as its enterprise rests upon a concession from the Spanish Government, properly set forth in a public document. The Spanish authorities not being able to utilize the cable, a proper course demanded that the company should have sealed the house at Caimanera, absolutely refusing to transmit communications presented by the enemy of Spain. This is the course the English concessionary company, of the cable between Manila and Hongkong, has followed, being inspired by veritable sentiments of private and commercial loyalty.

By reason of the extraordinary importance of the matter, I impress upon your excellency the necessity, with all urgency, of arranging with the cable company the suspension of cable service between Santiago de Cuba and Mole St. Nicholas (Haiti), during the time the Spanish landing point remains in the hands of the American forces.

The Government of His Majesty has perfect right, as provided in the grant of concession, to prohibit the transmission of telegrams in certain cases, and to this right the Government appeals, in the confidence that it will not be denied or opposed by the French Cable Company. Article 10 of the grant is as follows:

The Spanish Government reserves the privilege of suspending the transmission of dispatches by the cable if they afford danger to the security of the State, in conformity with the dispositions of the international telegraphic convention now in force.

This privilege is provided in article 8 of the convention of St. Petersburg of July 22, 1875, and reiterated in the convention of Budapest of July 22, 1897.

By royal order.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 60.

The Consul-General of the Greater Republic of Central America to the Minister of State.

[Translation.]

MADRID, July 9, 1898.

EXCELLENCY: I received your excellency's note dated the 6th instant in which you state that cablegrams directed to Mexico from Cuba, Porto Rico, and the Peninsula are constantly intercepted by the American Cable Company uniting San Juan del Sur (Nicaragua) with La Libertad (Salvador), and at the same time (confiding in the sincere friendship which binds it to Spain) you urge that the Greater Republic of Central America (to whom belongs the right of censorship, and not to the controlling company) will take opportune measures to the end that, in accord with the precepts of neutrality, there shall not be placed obstacles or hindrances to cipher telegraphic communications sent over these cables.

Consequently, and having in mind the interests of Spain and the friendly wishes of the Government which I am honored in representing, I have sent under this date to the secretary of the Diet of the Greater Republic the following cablegram:

SECRETARY OF DIET,

Managua.

Cable company south of Libertad intercepts cipher cablegrams from Cuba and Spain to Mexico. The Spanish Government, relying upon authority of Diet, protests against abuse of the cable.

CONSUL CARRERA.

In addition to this, I have sent your excellency's note to the Federal authority, urging prompt remedy of such an abuse.

I am pleased to subscribe myself, etc.,

E. CARRERA.

No. 61.

The Minister of State to the Chargé d'Affaires of Mexico.

[Translation.]

PALACE, July 11, 1898.

MY DEAR SIR: In expressing to you the gratitude of the Spanish Government for the courtesy and interest with which you have received its statements regarding the difficulties met with in communicating by cable and in cipher from the Peninsula, Cuba, and Porto Rico to Mexico, the Government of His Majesty is obliged to state in reply to your esteemed note of 8th instant that it does not know the point where its telegrams are intercepted, and therefore is not able to state whether it is in offices of the North American Cable Company established in the territory of the Republic of Mexico.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 62.

The Consul-General of the Greater Republic of Central America to the Minister of State.

[Translation.]

MADRID, *July 14, 1898.*

EXCELLENCY: The secretary of the Diet of the Greater Republic of Central America, answering the cable I sent him the 8th instant in reference to the constant interception of cablegrams (directed to Mexico from Cuba, Porto Rico, and the Peninsula) by the American Cable Company, which unites San Juan del Sur (Nicaragua) with La Libertad (Salvador), advised me yesterday by cable that the representation made by your excellency regarding this matter will have attention.

I am pleased to inform your excellency of this, not doubting but that the Diet will insist that the cable company shall observe the demands of neutrality.

I am pleased to subscribe myself, etc.,

E. CARRERA.

No. 63.

The Consul of Spain in Kingston to the Minister of State.

[Translation.]

KINGSTON, JAMAICA, *July 19, 1898.*

Americans took possession of cable at Santiago de Cuba. Service stopped.

MARCONELL.

No. 64.

The Minister of State to the Spanish Consul in Kingston, Jamaica.

[Telegram.—Translation.]

MADRID, *July 30, 1898.*

In view of the grave situation caused by failure of telegraphic communication with the island of Cuba, make efforts of every kind to have the telegraphic correspondence of the Government reach Cuba, availing yourself of fishing and other boats, and sending telegrams in duplicate.

ALMODÓVAR.

No. 65.

The Ambassador of His Majesty in Paris to the Minister of State.

[Translation.]

PARIS, August 12, 1898.

EXCELLENCY: In reply to royal order 253 of July 8, and in compliance with its demands, I have the honor of sending your excellency inclosed the correspondence exchanged between the Compagnie Française des Cables Télégraphiques and Major Don Francisco de Echagüe y Santoyo, military attaché of this embassy, charged by me to make the proper protest called for by said royal order.

F. DE LEÓN Y CASTILLO.

[Inclosure A.—Translation.]

The Director-General of the French Telegraphic Cable Company to Major Don Francisco Echagüe.

PARIS, July 30, 1898.

I have the honor of acknowledging receipt of your letter of the 27th instant, and of the note which accompanied it. In answer, I send you copy of the letter I have directed to the delegate of the telegraphic service of Spain in London, who has talked with me on the same subject.

This letter will show you under what circumstances of superior force my company had to continue the operation of its cables in Cuba. I should add that the situation of the French company is absolutely identical to that of the English West India and Panama Company, operating the cables from Santiago de Cuba to Jamaica. The two companies are established in Santiago under the inspection of the American military authorities, which, on account of the surrender of the place, are invested with the administration of public works. Under these conditions I do not think that my company has the right to refuse to continue the operation of its cable. At any event this measure should be taken at the same time by the West India and Panama Company. Only in this case would the measure be reasonable, and would result (as I should impress upon you) that the population of Santiago now using our cable, at the same time that they use the cables of the West India and Panama Company in communicating with the outside world, would be deprived of all means of telegraphic correspondence. I am convinced that after a fresh examination of the question your Government will acknowledge that the situation created by the recent events in the city of Santiago does not permit the French company to proceed in a manner other than it has, and at all events in the same manner as the West India and Panama Company operating two cables from Santiago to Jamaica.

J. DEFEILLEY.

[Inclosure B.—Translation.]

The Director-General of the French Telegraphic Cable Company to the Delegate of the Telegraphic Service of Spain in London.

PARIS, July 22, 1898.

MR. DELEGATE: I have the honor of acknowledging the receipt of your letter of June 27, in which you protest in the name of the Spanish administration against

the establishment of an office in the Playa del Este. The only answer we are able to give to this protest is a recital of the events which have taken place, so that you may appreciate them at their true value.

On the 6th of June the cruiser *St. Louis*, of the American Navy, cut the cables of Mole St. Nicholas and of Aguadores, where they were landed at the Playa del Este. Some days afterwards the American forces took possession of this point abandoned by the Spaniards, and the Government of the United States demanded of my company the repair of their lines, and that in case of not doing so the repairs and reestablishment of communication would be effected by the American steamer *Adria*, armed and equipped for the purpose, which had already sailed for this object.

At the same time we were advised that in case of a refusal on our part the American Government would take possession of the office in New York of the American company "United States and Haiti," to the end of establishing direct communication with Cuba. On account of the circumstances of superior force the service was reestablished. We think we should ask you, on the other hand, to bear in mind that we only gave notification to Berne of the repair of the cable between Mole St. Nicholas, Caimanera, and Santiago, and that the company "Anglo-American," without our being consulted, gave notice of the establishment of an office in the Playa del Este. We feel convinced, Mr. Delegate, that it is only necessary to explain the situation to you in order that you acknowledge the necessity in which we found ourselves of accepting what had occurred. We have received your protest with a feeling the more sincere, not being able to forget the excellent relations which have always existed between ourselves and your worthy administration.

I improve, etc.,

DEPELLEY.

[Inclosure C.—Translation.]

Major Francisco Echagüe to the Director-General of the French Telegraphic Cable Company.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter dated yesterday, as well as a copy of the letter sent by you to the delegate in London of the international telegraphic service of Spain, both in answer to the protest made by the Spanish Government against the conduct followed by your company in the service of communications in the island of Cuba.

Although my office is limited to that of intermediary, commissioned officially to present said protest, I should nevertheless, in making reply, report my judgment of its contents, and I do not desire that you shall be in ignorance of what that opinion is.

First. There is no necessity of insisting (and I think this will appear to you as well as to me) that the reason of *superior force* is only a pretext, without any foundation whatever, since the American authorities have not intervened, nor can they intervene, in the station of Mole St. Nicholas, which is where the communication should have been cut, in the same manner as the English Cable Company of Manila did in Hongkong after the battle of Cavite. The royal order of which I informed you contained clearly this observation, which you abstain from answering.

Second. There is no reason for your supposing that an equal protest may not have been directed against the English company "West India and Panama," if it has committed faults, no doubt it has received by this time a similar protest. From every point of view your conduct is unjustifiable; nor can it be admitted that each company demand that the other previously submit to what it is obliged to do,

because with such a system there never would be means of demanding the compliance of your duty. My attention is called to the constancy you display in alluding exclusively to the present situation, appearing to forget that the faults imputed to the French company refer principally to the period elapsed between the landing of the Americans in the Playa del Este and the capitulation of Santiago, during which time the communications of the American army with Washington were made exclusively by the French company. The greatest prejudices resulted from such procedure, and this is the principal point of discussion.

Third. It is useless to persist in your argument regarding the necessity of maintaining Santiago in communication with the outside world.

Fourth. In regard to the letter you direct to Mr. Vigil, your reasoning is even less weighty. Neither the threat to reestablish your line by force (which would have been useless if the station of Haiti had been isolated) nor the threat of establishing another direct for American account justifies in any manner the violation of the obligations contracted under the concession from the Spanish Government for laying the cable.

I am inclined to believe that reasons of an entirely different nature—reasons of prescience, if you wish—are those which have moved the company to follow a line of conduct so removed from that imposed by its obligations.

In consequence, contrary to the conviction which you declare at the conclusion of your letter, I believe, after a new examination of the question, the Spanish Government will be even more convinced that the company has been absolutely false to its obligations.

My intervention in this affair ceases the moment I send you this letter and inform my superiors in the same sense; but I will not close it without saying to you that, as stated to Mr. Vigil, as you feel regret for these difficulties which prejudice the excellent relations maintained for a long time with Mr. Vigil and his administration, I, on my part, equally regret the contrast between the course followed by the French Cable Company and the warm manifestations of congeniality toward Spain to which I listened from the director and general secretary on the day when, by order of the Minister of War, I presented myself for the first time in the offices of the company for the purpose of organizing the communications in Cuba and Porto Rico.

I avail, etc.,

MAJOR ECHAGÜE.

No. 66.

The Ambassador of France to the Minister of State.

[Translation.]

MADRID, *August 19, 1898.*

DEAR DUKE: The Department of Foreign Affairs has transmitted a telegram from Mr. Cambon, which has crossed with the one I sent him (complying with the desire of your excellency), in order to obtain the reorganization of the telegraphic service between Singapore and Manila.

The Eastern Telegraph Company proposes to repair immediately its cable between Hongkong and Manila, if the Government of Spain consents. The Federal Government having restored to Spain the right of communication with Cuba, it expects that the

Madrid Cabinet will not oppose any objection whatever to the re-establishment of the Manila cable, and begs me to answer this question. It appears, therefore, that the difficulties your excellency feared, on account of the Eastern Telegraph, have from this date disappeared.

Receive, etc.,

PATENÔTRE.

No. 67.

The Minister of State to the Ambassador of France.

[Translation.]

PALACE, August 19, 1898.

EXCELLENCY: Acknowledging the receipt of your esteemed note in reference to the reestablishment of the cable between Hongkong and Manila, I have the honor of informing you that under this date I have handed the same to my colleague, the Minister of the Colonies.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 68.

The Minister of State to the Spanish Consul in Hongkong.

[Telegram.—Translation.]

MADRID, August 20, 1898.

Please state to the Eastern Extension Cable Company that it is authorized by the Spanish Government to reestablish telegraphic communication between Hongkong, Manila, and Capiz.

ALMODÓVAR.

No. 69.

The Minister of State to the French Ambassador.

[Translation.]

MADRID, August 20, 1898.

EXCELLENCY: In addition to what I had the honor of stating to your excellency in the note I directed to you under date of yesterday in reference to the reestablishment of the cable between Hongkong and Manila, I have the honor of informing you that the Government of His Majesty has telegraphed the Spanish consul at Hongkong so that he may authorize the Eastern Extension Company to reestablish immediately telegraphic communication with Manila and Capiz.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 70.

The Minister of State to the Spanish Consul in Hongkong.

[Telegram.—Translation.]

MADRID, August 20, 1898.

Supplementing my telegram of this morning, you should understand that the authorization to the cable company has been given by the Government of His Majesty under agreement with the United States.

ALMODÓVAR.

No. 71.

The Spanish Consul at Hongkong to the Minister of State.

[Telegram.—Translation.]

HONGKONG, August 21, 1898.

Received the two telegrams of your excellency. Manila-Hongkong telegraph reestablished.

NAVARRO.

No. 72.

The Minister of His Majesty in Mexico to the Minister of State.

[Translation.]

MEXICO, August 20, 1898.

MY DEAR SIR: In reply, and complying with royal order No. 31 of July 5 last, inclosed I have the honor of placing in your hands the note which was directed by the Minister of Communications to the Minister for Foreign Affairs regarding the complaints formulated by me as to the interruption of the telegraphic service.

Dios, etc.,

THE MARQUIS DE BENDAÑA.

[Inclosure.—Translation.]

OFFICE OF SECRETARY OF COMMUNICATIONS
AND PUBLIC WORKS, MEXICO,
GENERAL DIRECTION OF TELEGRAPHS, SECTION 7, No. 1081.

The citizen Sebastian Camacho, vice-president of the Mexican Telegraph Company, under date of the 6th instant, writes me as follows:

"SIR: As soon as I received the official note No. 965 of your excellency, dated August 4, forwarded by section 7 of the Direction-General of Telegraphs, I transmitted it by cable to the president of the Mexican Telegraph Company, asking that he would give me immediately proper information regarding its contents, to the end of communicating it as soon as possible to you. In cablegram of this date,

that official says as follows: 'I note that the Spanish Government has complained to the Mexican minister in Madrid that the cipher messages directed to Mexico from Cuba, Porto Rico, and Spain via Colon, Jamaica, Panama, San Juan del Sur, Salina Cruz, and the City of Mexico are frequently intercepted by the American company operating these cables. The orders of the Government of the United States in respect to the censorship of contraband messages does not apply in any manner south of Galveston. You will observe that I informed the superintendent of this company in that city, under date of June 3, that the orders of the Government of the United States in reference to censorship did not extend, and were not able to extend, to Mexico. In the transmission of messages there has lately been much delay and confusion by all routes, and it would be impossible for me to determine the delays or interruption of any message if I were not given the date and other particulars in each case. On receiving these data I would be much pleased to scrupulously investigate everything in respect to the mentioned complaints. I desire, also, that you will please call the attention of the Government of Mexico to my order of June 3, to which I refer, and which said: "You explain clearly that the order does not in any manner refer to Mexico, because it relates solely to messages directed from the United States and Europe to Brazil. Restrictions regarding the United States and Europe were officially canceled yesterday. There are no restrictions for direct messages by the lines of the company to or by way of Central and South America." I have the honor of communicating this to you, Mr. Minister, in reply to your official note of the 4th instant cited.'

I have the honor of transcribing the foregoing to you as result of your esteemed note No. 81, section of Europe and Africa, dated 28th of last month.

Liberty and constitution.

MEXICO, *August 11, 1898.*

SANTIAGO MENDEZ,
Acting Secretary.

TO THE SECRETARY FOR FOREIGN AFFAIRS.

PRELIMINARY NEGOTIATIONS OF PEACE AND PROTOCOL OF AUGUST 12, 1898.

No. 73.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, *July 18, 1898.*

Thinking it feasible that the French Government may help us (if they have the disposition) to open up communication with the American Government, I beg your excellency to ascertain if the ambassador of France in Washington, who has charge of Spanish affairs and possesses key No. 74, would be able to present to the Secretary of State, Mr. Day, a communication from the Spanish Government, directed to the President of the Republic of the United States, in which he is invited to put an end to the painful situation of the island of Cuba, Spain showing herself disposed to agree upon means of pacification of that island, if it is considered possible to concert upon acceptable bases. Our principal argument is the suffering imposed by the war upon the inhabitants of that Antille, now so totally blockaded that it is impossible for us to send food there. The army is able to sustain itself for some time, but, lacking a naval force sufficient to protect the shipment of food, there is a serious inferiority between the respective forces. In order to solicit the good offices of the French ambassador in Washington, I beg your excellency to ask the Minister for Foreign Affairs if he is able to authorize Mr. Cambon—

First. To present a message to the President of the Republic of the United States, through the Secretary of State, or directly, as he may consider advisable.

Second. To negotiate for a suspension of hostilities, as preliminary to definite negotiations, according to the instructions this Government transmits, in case the tenor of this message receives the approbation of the American Government.

Your excellency will therefore solicit this favor of the French Minister for Foreign Affairs. I await your answer.

ALMODÓVAR.

No. 74.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, *July 20, 1898.*

I have just talked with the Minister for Foreign Affairs, who says that consideration of such an important matter requires the approbation of the President of the Council of Ministers and of the President of the Republic, to whom he will submit your desire. I do not expect to receive definite answer until day after to-morrow, because the President of the Republic is in Rambouillet and the Minister for Foreign Affairs will not be able to see him before that time on account of illness, and to-morrow is the day of diplomatic reception.

LEÓN Y CASTILLO.

No. 75.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, *July 20, 1898.*

By reason of delay on account of the interruption of the telegraphic line, I just received the dispatch of your excellency sent early this morning. It is necessary that your excellency understand that the request of this Government for the good offices of the French Government is not such as to admit of delay, but on the contrary should be answered with extreme dispatch. The loss of hours, not to speak of days, might be of grave consequence in the negotiation of peace. The capitulation of Manila, which may occur at any time; the occupation of other points in the Philippines; the attack upon Porto Rico, and perhaps a landing upon that island, are all contingencies which counsel haste, to the end that a delay in arriving at the opening of direct relations, forerunner of an understanding, may not give place to greater advantages on the part of our adversaries in deeds of arms, which might result in greater claims. Your excellency will therefore see if it be possible by any means that the Minister for Foreign Affairs be placed in direct communication with the President of the Republic and the President of the Council for the purpose of a consultation regarding our importunity, so that we may have an immediate answer, and in order that if it be unfavorable to us—which I do not expect—we may make use of other resources without delay.

ALMODÓVAR.

No. 76.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, July 21, 1898.

The Minister for Foreign Affairs has just stated to me, after having seen the President of the Republic and the President of the Council of Ministers, that the Government of France authorizes their ambassador in Washington—

First. To present to the President of the Republic of the United States message of the Government of His Majesty.

Second. To solicit armistice preparatory to negotiations of peace.

The Minister for Foreign Affairs says that he is prepared to communicate to the French ambassador in Washington the message and instructions in question. As I stated to him that your excellency had suggested, doubtless with object of gaining time, the advantage of telegraphing direct to Mr. Cambon, he replied that it seemed the natural way for him to serve as the medium of communication, the more so that his intervention in this affair, as he stated and repeated, is absolutely disinterested.

LEÓN Y CASTILLO.

No. 77.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, July 22, 1898.

After your excellency has received the present telegram the message for the President of the United States will follow, to the end that it may be telegraphed by the Minister for Foreign Affairs to the French ambassador in Washington, jointly with the instructions of this Government to said ambassador. Knowing by experience the unreliability of translations made in the Department of State in Washington, which has a Cuban interpreter, the Government of His Majesty begs your excellency to have suggested to Mr. Cambon, through the French Minister for Foreign Affairs, that a translation into English accompany the Spanish text, employing for the English version a person of entire confidence. I beg your excellency to express, in the name of this Government, to the Minister for Foreign Affairs, to the President of the Republic, and to the President of the Council our profound acknowledgment for the services extended to us.

ALMODÓVAR.

No. 78.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, *July 22, 1898.*

Your excellency will please transmit to the French Minister for Foreign Affairs the following text of the message to the President of the United States, directed to the representative of France in Washington, and instructions for its delivery:

MADRID, *July 22, 1898.*

TO THE AMBASSADOR OF FRANCE IN WASHINGTON.

EXCELLENCY: Authorized by the Minister for Foreign Affairs of France, I have the honor of addressing myself to your excellency for the purpose of begging you to have the kindness to lend a signal service to the Spanish Government. Endeavor to place in the hands of the President of the Republic of the United States, whether directly or by means of the Secretary of State as your excellency considers conformable to the best results, the message of this Government which is telegraphed with this. In case the President receives it and is disposed to give a reply immediately, I beg your excellency to transmit the reply by telegraph. By all means I beg your excellency to advise me of the delivery of the message, either to the President or the Secretary of State, so that its delivery or receipt will be known. The Spanish Government will be under obligations for the good offices of your excellency, and I take advantage of this occasion to offer to your excellency the assurances of my high consideration.

THE DUKE OF ALMODÓVAR DEL RÍO.

ALMODÓVAR.

[NOTE.—The communication to Mr. Day from the Duke of Almodóvar del Río is printed in *Foreign Relations*, 1898, p. 819.]

No. 79.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, *July 22, 1898.*

This afternoon I verbally gave the substance of the message, whose transmission this Government has asked, to the ambassadors of the great powers, and first of all to that of France. By post I shall communicate to your excellency, as well as to the other ambassadors of His Majesty in foreign countries, the contents of said message.

ALMODÓVAR.

No. 80.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, July 24, 1898.

Mr. Cambon telegraphed to the Minister for Foreign Affairs that it is impossible to decipher the message of the Government of His Majesty because he has no key and has not been able to find it in the Austrian legation, where our archives are. The Austrian minister is absent from Washington. It will be necessary to get it from him by post, and this will take at least two days. The dispatch concludes as follows:

Ask Señor León y Castillo to put your excellency in position to telegraph in French the Spanish text of the message. Moments are precious. The expedition has sailed for Porto Rico.

LEÓN Y CASTILLO.

No. 81.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, July 24, 1898.

In view of the fact that key No. 74 is not in the possession of the French ambassador in Washington, I have directed consul-general at Montreal to send him immediately a copy, at the same time transmitting to your excellency the complete text of the message, to the end that it may be translated into French and forwarded by the Minister for Foreign Affairs. Your excellency should bear in mind my suggestions that in the translation persons of confidence should be employed.

ALMODÓVAR.

No. 82.

The Minister of State to the Consul-General of Spain at Montreal.

[Telegram.—Translation.]

MADRID, July 24, 1898.

Please forward by a responsible person, and with the greatest expedition, by the shortest route, cipher No. 74 to the French ambassador in Washington, Mr. Cambon. I charge your excellency to use the greatest celerity in carrying out these instructions.

ALMODÓVAR.

No. 83.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, July 24, 1898.

At the same time I am sending this telegram, text of dispatch is being directed to the French ambassador in Washington.

ALMODÓVAR.

No. 84.

The Consul-General of Spain to the Minister of State.

[Telegram.—Translation.]

MONTREAL, July 25, 1898.

A person of confidence will at once leave to deliver cipher No. 74 to Mr. Cambon, French ambassador in Washington.

BONILLA.

No. 85.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, July 25, 1898.

The Minister for Foreign Affairs has telegraphed, and by this time the message of His Majesty's Government to the President of the Republic of the United States should be in Washington. I should not conceal from your excellency that the Minister expressed himself surprised and vexed, as he knows that Mr. McKinley already has knowledge of the sense and scope of the message, some governments represented by ambassadors in Madrid having communicated it.

LEÓN Y CASTILLO.

No. 86.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, July 25, 1898.

Answering telegram of your excellency, I may say that the surprise and vexation of the Minister should disappear if your excellency will refer him to my telegram of the 22d instant. In it I explained the step taken by this Government with regard to the great European powers the day following the telegraphing of the

message. Your excellency will remember that I stated having verbally communicated the substance of said message to all the ambassadors, but first of all to that of France. I gave this preference because every consideration demanded it, and I went as far as to visit Patenôtre at 10 a. m. of last Friday to give an account of what had been done, having in mind that on the same day it would be indispensable to notify the other ambassadors, whom I should have to receive, as it was the day appointed for diplomatic reception. The reasons I had for the notification will be apparent to your excellency if you consider the subsequent developments of the negotiation, hazardous and perhaps violent. To avert the possible intervention of other factors in the culmination of our purposes, I decided to act as I did. If on account of the lack of cipher some other European government anticipated the delivery of the message, your excellency may be certain that the French Government had preference over the others, as the duties of friendship and gratitude required.

ALMODÓVAR.

No. 87.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, July 27, 1898.

The landing of Americans in Porto Rico causes surprise to this Government inasmuch as it occurred after the President of the United States had in his hands the message of the Spanish Government offering means for an understanding outside the employment of arms. The occupation of Porto Rico at this time shows that the United States is unwarrantably attempting military aggression, without doubt with the object of making more onerous the conditions of peace.

ALMODÓVAR.

No. 88.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, July 27, 1898.

The Minister for Foreign Affairs this moment communicated to me the following note verbale:

On the 26th of July, in the White House, Mr. Cambon presented to President McKinley the English translation of the message of the Duke of Almodóvar. Mr. Cambon says:

"After having read it, the President answered that he was pleased to receive the message which I had just presented to him in the name of Spain; that he

would consult with his Cabinet, and begged that I return to the White House for the purpose of receiving his answer and of talking with him of said message. He added that if I had any observations to make he would hear them with pleasure. 'Although up to the present time,' I answered, 'I have not received more than the mission of presenting the message, I believe myself authorized to express the hope that after the results of this campaign your excellency will feel inclined, influenced by highest motives, to be humanely Christian and generous.' Answering a question of the Secretary of State, who took part in the conversation, I said that if the message of the Government of His Majesty referred particularly to the pacification of Cuba, it is because the state of affairs existing in the island was the initial cause of the war; that if this cause of conflict were suppressed, under conditions acceptable to both countries, the war would then cease to have reason for being. 'If I understand you well,' said Mr. Day, 'Spain, while she limits herself to asking that we seek by common understanding a method of resolving the Cuban question, desires to know under what conditions it would be possible to terminate hostilities in all the points where they now exist.' I answered that it seemed to me the commencement of negotiations appear to imply the termination of the war on account of the unhappy condition of the populations which suffer its ravages. Mr. McKinley having asked me finally if I had propositions to formulate in the name of Spain, I replied that upon announcing to the Spanish Minister of State that his message had been delivered and accepted I would request him to empower me to take part in the conversation to which the President of the Republic proposed to invite me, after he had consulted with his Cabinet."

LEÓN Y CASTILLO.

No. 89.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, July 27, 1898.

The Minister for Foreign Affairs sends me another telegram he has just received from his ambassador in Washington:

I believe I should add to my preceding communication that at the conclusion of our interview the President expressed to me the desire that the French embassy and the Department of State transmit to the press an identical communication, and I begged Mr. Day to dictate it at once to his secretary. It was in the following terms:

"The ambassador of France, in the name of the Government of Spain and in execution of instructions from the Minister of State of Spain, has presented this afternoon to the President of the Republic a message from the Spanish Government looking toward putting an end to the war and setting forth terms of peace."

Mr. Cambon adds:

It seems very important to me that the Madrid Cabinet shall not wound the susceptibilities of the President of the Republic by showing less reserve in its communications to the press. On the other hand, it would be best that the Government of Spain should not publish the message of the Minister of State during the time the Federal Government thinks it should be kept secret. I know from a responsible source that the President communicated to-night the message to his Cabinet, and that the impression has been favorable.

LEÓN Y CASTILLO.

No. 90.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, July 28, 1898.

Both of the telegrams of your excellency dated 27th received. Their contents being examined by the Council of Ministers, it was agreed to telegraph to the ambassador of France in Washington as follows. I beg that your excellency transmit this message, translated into French, to the French Minister for Foreign Affairs:

The Spanish Government has received, through the ambassador of Spain in Paris, who on his part received it from the Minister for Foreign Affairs, copy of the telegram in reference to the presentation of the message of this Government to the President of the Republic of the United States, and the conversation between your excellency and the President and Secretary of State regarding the significance of said document. Your excellency has answered with great ability the questions of the two interlocutors, and this Government hastens to express gratitude for the manner in which you have presented the questions which arise in the commencement of these negotiations. It hastens also to furnish to your excellency the means for taking part in the conversation to which the President proposes to invite you when he answers the message, and, to amplify the text of same, so that your excellency may develop the suggestions contained in it, authorizes your excellency to state the following:

The Government of Spain would be disposed to accept not only the procedure which would assure pacifically to Cuba the destiny which the majority of its inhabitants desire to reach, but any other solution that may conduce to the pacification of the Great Antilles. This Government will gratefully listen to a reply from the President of the Republic which will permit it to discuss with dignity this solution, or any other which may be required as a consequence of the war, suspending at once the useless sacrifice of life, not only of the combatants, but also of those who, in one or the other camp, helpless and weakened, die from the effects of the struggle. This Government understands that this offers the most ample scope to enable the President of the Republic to concrete the bases of mutual understanding, and to concert thereupon the suspension of hostilities.

ALMODÓVAR.

No. 91.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, July 28, 1898.

For the information of the ambassador of France in Washington, I beg your excellency to have translated into French the following, and deliver it to the Minister for Foreign Affairs, to be transmitted to Mr. Cambon:

(Very confidential.)

In explanation of the telegram of this afternoon, regarding the inclination of the Spanish Government to concur with the President of the Republic of the

United States upon the preliminary bases for a negotiation of peace, it is fitting that your excellency know the design of this Government, so that, in the conversation which takes place, your excellency may be prepared to act with a full knowledge of our intentions. In the war with the United States there is need to distinguish its object and the means employed to carry it on. The object was the separation of Cuba from the dominion of Spain. The means have been, and are, attacks upon the colonial dependencies of the Spanish nation. Regarding the first, Spain is disposed to accept the solution which may please the United States—absolute independence, independence under the protectorate, or annexation to the American Republic, preferring definite annexation, because it would better guarantee the lives and estates of Spaniards established or holding property there. In regard to the second, which I allude to in my former telegram as “any other solution which may be required as a consequence of the war,” your excellency will understand that reference is made to the claims which the Americans may have outside the territory of Cuba; whether by military operations, which constitute temporary occupation, or, possibly, from expenditures for the campaign. As with regard to Cuba this Government makes no reserve, it should maintain reserve regarding the second. It certainly admits the principle of indemnification in reasonable proportion and measure, but desires that it should not be responsible for unnecessary expenditures, considering also unnecessary certain military operations as a foundation for a right in the territory where they took place. There is also no reason to forget that the Spanish nation did not provoke the war, and although fortune has been adverse to us this Government understands that the conqueror should not be arbiter of territories foreign to Cuba which have been attacked by the United States. I will feel much obliged to your excellency if on this point you investigate the dispositions of Mr. McKinley regarding Porto Rico and the Philippines. If the President is inclined to present in a brief time the bases concerted for an understanding, and your excellency observes that they accommodate themselves to the general ideas of this Government, your excellency will please press the demand for the suspension of hostilities which this Government desires to obtain promptly in order to prevent sufferings from hunger in the Antilles and the horrors of massacre in the Philippines. Once in accord as to the cardinal matters, this armistice could be proclaimed without prejudice to beginning negotiations of peace at a convenient time. Permit me to suggest that anything in the line of an international congress be avoided. The best method for a quick understanding would be that each of the two Governments nominate its delegation in a neutral point—no place more convenient than Paris. From the high gifts of your excellency, which Spain has had the fortune to secure, this Government hopes much, and its thanks, as well as those of the nation, will be in proportion to the high services your excellency renders.

ALMODÓVAR.

Before terminating the rendering of this telegram into cipher I received your telegram of 6 p. m., whose second part, or that referring to the suggestions made by Mr. Cambon, are answered by this dispatch and the former one.

ALMODÓVAR.

No. 92.

The Ambassador of His Majesty in Paris to the Minister of State.

[Translation.]

PARIS, July 28, 1898.

The Minister for Foreign Affairs has just read me a telegram sent him by the French ambassador in Washington. He says he expects to be called to the White House Friday or Saturday; that it is possible, in conformity with the counsel of his advisers, the President will limit himself to acknowledging the message of the Government of His Majesty and to asking on what bases Spain would consent to open negotiations for peace. In view of this inquiry he thinks it very important that the Government of His Majesty speedily place him in position to respond to any proposition the American Government may formulate. He adds that according to what he can learn hostilities will continue with vigor until Spain, whose diplomatic delays are feared, demonstrates that she really wishes peace.

LEÓN Y CASTILLO.

No. 93.

The Minister of State to the representatives of His Majesty abroad.

[Telegram.—Translation.]

MADRID, July 28, 1898.

The Government of His Majesty has directed to the President of the United States a telegraphic message through the French ambassador in Washington, soliciting that he indicate bases for proceeding to negotiations of peace.

This message has been accepted by the President and is under consideration, pending reply.

ALMODÓVAR.

No. 94.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, July 30, 1898.

The Minister for Foreign Affairs has not yet received advices from Washington. We have agreed upon a method of communicating them as soon as they are received. Await notice.

LEÓN Y CASTILLO.

No. 95.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.] *

PARIS, July 31, 1898.

The Minister for Foreign Affairs advises me that at 1 o'clock I shall begin to receive copy of dispatch from Washington received by the Minister this morning at 8.

LEÓN Y CASTILLO.

No. 96.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, July 31, 1898.

The Minister of State begs that I transmit to your excellency the following telegram which the ambassador of France in Washington sends him:

DEAR DUKE: I have the honor of advising your excellency that I was received this afternoon at 2 o'clock by Mr. McKinley, who has charged me to transmit to your excellency his answer to the message I delivered in your name to him the 26th of July.

Below your excellency will see the translation I have made of said answer, whose English original I will transmit to your excellency by post:

“To His Excellency the DUKE OF ALMODÓVAR DEL RÍO,

“Minister of State, Spain.

—“EXCELLENCY: The President received on the afternoon of Tuesday, the 26th instant, from the hand of his excellency the ambassador of France, representing for this purpose the Government of Spain, the message signed by your excellency as Minister of State in behalf of the Government of Her Majesty the Queen Regent of Spain, and dated the 22d instant, as to the possibility of terminating the war now existing between the United States and Spain.

“The President received with satisfaction the suggestion that the two countries might mutually endeavor to ascertain the conditions on which the pending struggle may be brought to an end, as well as the expression of Spain's belief that an understanding on the subject is possible.

“During the protracted negotiations that preceded the outbreak of hostilities the President earnestly labored to avert a conflict, in the hope that Spain, in consideration of her own interests, as well as those of the Spanish Antillas and the United States, would find a way of removing the conditions which had for half a century constantly disturbed the peace of the Western Hemisphere and on numerous occasions brought the two countries to the verge of war.

“The President witnessed with profound disappointment the frustration of his peaceful efforts by events which forced upon the people of the United States the unalterable conviction that nothing short of the relinquishment by Spain of a claim of sovereignty over Cuba which she was unable to enforce would relieve a situation that had become unendurable.

“For years the United States, out of regard for the susceptibilities of Spain, had by the exercise of its power and the expenditure of its treasure preserved the obligations of neutrality. But a point was at length reached at which, as Spain had

often been forewarned, this attitude could no longer be maintained. The spectacle at our very doors of a fertile territory wasted by fire and sword and given over to desolation and famine was one to which our people could not be indifferent. Yielding therefore to the demands of humanity, they determined to remove the causes, in the effects of which they had become so deeply involved.

"To this end the President, with the authority of Congress, presented to Spain a demand for the withdrawal of her land and naval forces from Cuba, in order that the people of the island might be enabled to form a government of their own. To this demand Spain replied by severing diplomatic relations with the United States and by declaring that she considered the action of this Government as creating a state of war between the two countries.

"The President could not but feel sincere regret that the local question as to the peace and good government of Cuba should thus have been transformed and enlarged into at general conflict of arms between two great peoples. Nevertheless, having accepted the issue with all the hazards which it involved, he has, in the exercise of his duty and the rights which the state of war confers, prosecuted hostilities by sea and by land, in order to secure at the earliest possible moment an honorable peace. In so doing he has been compelled to avail himself unsparingly of the lives and fortunes which his countrymen have placed at his command, and untold burdens and sacrifices, far transcending any material estimation, have been imposed upon them.

"That, as the result of the patriotic exertions of the people of the United States, the strife has, as your excellency observes, proved unequal inclines the President to offer a brave adversary generous terms of peace.

"The President therefore, responding to your excellency's request, will state the terms of peace which will be accepted by him at the present time, subject to the approval of the Senate of the United States hereafter.

"Your excellency, in discussing the question of Cuba, intimates that Spain has desired to spare the island the dangers of premature independence. The Government of the United States has not shared the apprehensions of Spain in this regard, but it recognizes the fact that in the distracted and prostrate condition of the island aid and guidance will be necessary, and these it will be prepared to give.

"The United States will require—

"First. The relinquishment by Spain of all claim of sovereignty over or title to Cuba and her immediate evacuation of the island.

"Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless he can not be insensible to the losses and expenses of the United States incident to the war, or to the claims of our citizens for injuries to their persons and property during the late Cuban insurrection. He must therefore require the cession to the United States and the immediate evacuation by Spain of the island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrone to be selected by the United States.

"Third. On similar grounds the United States is entitled to occupy and will hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace, which shall determine the control, disposition, and government of the Philippines.

"If the terms hereby offered are accepted in their entirety, commissioners will be named by the United States to meet similarly authorized commissioners on the part of Spain for the purpose of settling the details of the treaty of peace, and signing and delivering it, under the terms above indicated.

"I avail myself of this occasion to offer to your excellency the assurances of my highest consideration.

"WILLIAM R. DAY.

"WASHINGTON, *July 30, 1898.*"

LEÓN Y CASTILLO.

No. 97.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, August 1, 1898.

The Minister for Foreign Affairs has just communicated to me the following telegram:

WASHINGTON, July 31, 1898.

DEAR DUKE: As I announced to your excellency in my former telegram, after the reading of his answer to the message of your excellency, the President invited me to make any observations which the demands formulated by the United States might suggest. Animated by the instructions with which your excellency honored me in prescience of this conference, I began by insisting upon the distinction which it was necessary to make between the question of Cuba—the initial cause of the Spanish-American conflict—and the new questions which may arise from the results of the operations of which the other possessions of the Crown of Spain were the theater. “With regard to Cuba,” I answered, “Spain is disposed to go farther in concessions even than is demanded in Article I of the conditions of peace indicated by the President of the Republic. Spain persists in fearing for the island the dangers of a premature independence, and, say what you may, the Federal Government shares these apprehensions, inasmuch as the commander in chief of the American troops did not allow his Cuban allies to enter Santiago de Cuba after the surrender of the place. Therefore, in interest of the persons and estates of Spaniards and strangers residing there, Spain would go as far as to cede Cuba to the United States. It is unnecessary to say that in this eventuality the United States would be morally obliged to ask the Cuban population, by means of a plebiscite, if they desired to form part of the Federal Union.” Then taking up Article II, I set forth the contradiction existing between the declaration of disinterestedness formulated by the United States at the beginning of the war and the spirit of conquest which proposes conditions so hard for Spain. In making claim for the cession of Porto Rico and one of the Ladrões, it seems, I said, that you concede to the opinion recently formed, which considers as a definite conquest all territory upon which the fortune of arms has permitted an American soldier to put his foot—an opinion contrary to right, and the erroneousness of which the evacuation of Mexico by the Federal troops suffices to demonstrate. The Secretary of State interrupted me there to call to my attention that in history it would be very difficult to meet with another example where a victor, after a costly war, did not demand a pecuniary indemnification. This is true, I said, but is not the cession of the island of Cuba the richest of indemnification? To demand also the remaining Antilles and one of the Ladrões, however great the expenditures of war may have been, would exceed the measure of the responsibilities which Spain, to whom fortune had been adverse, should support. *A fortiori*, I added, the demands formulated in Article III are for the purpose of compromising in Madrid the success of this preliminary negotiation—above all, if between the words *contrôle* and *government* of the Philippines is maintained the word *possession*, which appears to place in doubt from now on the sovereignty of Spain over this colony. “You will observe,” the President of the Republic then remarked to me, “that my demands set forth in the first two articles do not admit of discussion; I leave to negotiations the task of resolving the question of the Philippines. If the American forces have remained until now in their positions, it is in obedience to a duty which respect to residents and strangers and the progress of affairs impose upon me.” Seeing the President

of the Republic resolved not to modify the terms of Article III, I made such a pressing appeal to his generosity that he seemed affected, and, in spite of the opposition of Secretary of State, Mr. Day, ordered the word *possession* replaced by the word *disposition*, which does not prejudice the result of the negotiations and does not have the same general acceptation. The Secretary of State having gone out to make the modification in the text, the President of the Republic talked familiarly with me, and expressed sorrow that Spain would not ask for peace after the naval battle of Cavite. "The conditions which we would have then demanded," he remarked, "would have been less rigorous than those of the present, so if my present demands are refused Spain would necessarily be exposed to greater sacrifices. I beg your excellency, Mr. Ambassador of France, to make this understood in Madrid." When the Secretary of State returned, the question of the place for holding the negotiations was discussed, and Mr. McKinley expressed the desire that it might be in Washington, where the Spanish plenipotentiaries would be courteously received. Finally, according to the instructions of your excellency, I made a strong attempt to obtain the suspension of hostilities. The Secretary of State, Mr. Day, had desired to subordinate that to the [here the telegram has a word which can not be deciphered] of the negotiators, but upon my petition the President of the Republic consented to concede it immediately upon your excellency informing me that you accept the negotiations upon the bases indicated by the Federal Government and authorizing me to sign in your name the preliminary act which puts an end to hostilities. The conference of which I have had the honor of giving your excellency an account lasted two and a half hours. This fact alone will indicate to your excellency the efforts I have made to merit, by defending the best I was able the interests of Spain, the confidence of which your excellency has given me proof.

While I deeply regret not obtaining greater concessions, I fear that the resolution of the White House will be irrevocable in the future.

I beg your excellency, Duke, to accept the assurances of my high consideration.

J. CAMBON.

LEÓN Y CASTILLO.

No. 98.

The Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, August 1, 1898.

I beg your excellency will please send to the French Minister for Foreign Affairs, to be transmitted to the ambassador of France in Washington, the following telegram:

MADRID, August 1, 1898.

MR. AMBASSADOR: I have received your two telegrams, the first containing the answer which the Secretary of State has been pleased to give to the message directed to the President of the Republic of the United States by the Government of His Majesty, and the second narrating the conversation maintained by your excellency with the President after receiving the answer referred to.

Before proceeding, I comply with pleasure with the orders of my august sovereign and the request of my colleagues of the Cabinet by expressing to your excellency the gratitude we feel for the manner with which you have exerted yourself to defend the interests of Spain and the happy ability with which you have interpreted the

confidential suggestions I had the honor of making you, in order that you could participate in the conversation to which you were invited by the President. From your report of the conversation the Council of Ministers obtain the necessary light upon the attitude of the Federal Government in the negotiations undertaken. I beg, nevertheless, of your excellency to permit that I set forth some observations, which I leave to your discretion to make use of as seems best conducive to the success of these efforts and to our advantage.

The Government of Spain considers it inopportune to discuss the causes of the war and the acts by which it occurred, but can not accept the responsibility of having declared it, because Spain intended to do nothing more than protest against the resolution of the Congress of the Republic, when, in order not to hear its notification, she caused diplomatic relations to cease. The declaration of war was made solely by the Congress of the United States for the purpose of obtaining the independence and liberty of Cuba, from which it is inferred that the favored one should be at all events the one who ought to indemnify the sacrifices of properties and fortunes placed at the service of the Cuban cause. For this reason it should be expected that the United States would follow the conduct of Austria and Prussia, who, in order to emancipate the Duchies, sent an army against Denmark. The treaty of October 3, 1864, stipulated, as was just, that the Duchies should pay the expense of the war, and Spain would be disposed that the indemnification should rest upon Cuba, whether by immediate adjudication, as your excellency has been pleased to propose, or in form of a pledge; at all events, it is deemed necessary for the Government to know (admitting that the demand for the cession of Porto Rico is founded upon the plea that the Government of the Republic can not be insensible to the losses and expenditures occasioned to the nation) if there would not be means of substituting for Porto Rico another form of territorial compensation for such losses and expenditures. The Government of His Majesty hopes that, as we are treating merely of a cession for payment, the United States will not insist on imposing what they may consider their due—the severe step of alienating that which, never having been in contention, has an especial value of affection. I would desire, therefore, to know if, the just reasons alleged by your excellency (and approved in this dispatch) not being listened to regarding the manner of satisfying at Cuba's expense the expenditures for her liberation, the President of the Republic would accept the proposition of admitting in substitution for Porto Rico some other form of territorial compensation.

The third point, which determines the form of disposition of the Philippine Islands, seems lacking in precision to this Government. The Government has supplied the deficiencies noticed in it, supposing that there is no question respecting the permanent sovereignty of Spain in that archipelago, and that the temporary occupation of Manila, its port, and bay by the Federal Government is to continue only for the time necessary for an understanding between both countries regarding administration reforms; also that it will be well understood that all discussions regarding such reforms shall be exclusively between Spain and the United States.

The second and third bases being interpreted in the form and manner your excellency considers advantageous, this Government would feel obliged if you telegraph the results and your own impressions, in order that an official reply may be made, heeding the esteemed recommendations of your excellency.

I avail, etc.,

ALMODÓVAR DEL RÍO.

No. 99.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, August 4, 1898.

The Minister for Foreign Affairs has just delivered to me the following telegram. Your excellency should note that there are in the French text some words which can not be deciphered which are indicated in the Spanish text by dots.

WASHINGTON, August 4, 1898—1.50 a. m.

DEAR DUKE: As the telegram dated August 2 which your excellency did me the honor of sending, and which I received this night, raises questions about which it is impossible to give my opinion without again consulting the Federal Government, I asked the Secretary of State to have the kindness to clear up certain points considered by you insufficiently explained. Mr. Day did not think he could converse with me on this matter, the President having taken personal charge of these preliminaries, and advised me the same day that he would present me at the White House. I did not conceal from the President that the Government of His Majesty considered excessively rigorous the conditions offered, and that the necessity of ceding Porto Rico as indemnification for the war was regarded particularly severe. This island, I said to him, has not for a moment been an element of conflict between Spain and the United States; its inhabitants have remained loyal to the Crown, would desire in consequence that the President would consent to accept other territorial compensation in place of Porto Rico. As far as could be seen Mr. McKinley showed himself inflexible, and reiterated that the question of the Philippines was the only one which was not definitely resolved in his mind. I improved this opportunity to ask the President to have the kindness, as far as possible, to define his intentions regarding the Philippines. On this point, I said, the answer of the Federal Government is drawn in terms which may aid any claims on the part of the United States, and in consequence may arouse the fears of Spain regarding her sovereignty. Mr. McKinley replied to me: "I do not desire to leave any ambiguity on this point. The negotiators of the two countries will be the ones to decide what will be the permanent advantages that we shall demand in the archipelago, and finally the control (*contrôle*), disposition, and government of the Philippines;" and he added: "The Madrid Government may be assured that up to this time there is nothing determined *a priori* in my mind against Spain; likewise, I consider there is nothing decided against the United States." I replied that if I comprehended well the words of the President, the discussion of all these points just enumerated would be exclusively between the two countries interested. The President replied that this was absolutely his opinion.

Following the suggestions of your excellency, made to me in your telegram of the 29th ultimo, I then asked if in the opinion of the President of the Republic of the United States there would not be greater guaranties of independence for the negotiations in carrying them on in Paris, for example, in place of Washington. The President of the Republic asked some hours to give me his answer. In fact, that same night the Secretary of State visited the embassy and announced that he had the satisfaction of pleasing your excellency on this point, and that in his opinion there should be, for each country, five negotiators who would convene in Paris. The Secretary of State improved the occasion of calling, for the last time, my attention to the scope and sense of the conditions proposed by the United States.

"It should be perfectly understood," he said, "that the acceptance of these conditions by Spain implies, *ipso facto*, for the United States the right of demanding the immediate evacuation of Cuba and Porto Rico, without awaiting the treaty of peace. From this it does not necessarily follow that the United States will make use of this right. We understand that the evacuation, in its execution, will raise questions of detail, which should be resolved by both Governments. What we desire to see confirmed is solely the principle of our right." I observed that the suspension of hostilities supposes that each of the belligerents shall maintain his position. This complete cessation of the hostilities would favor peace.

I have foreseen that the President of the Republic would remain firm, and, since your excellency honors me by asking my personal opinion, I can not but persist in the idea that all vacillation will further aggravate the severity of the conditions.

I shall be under obligations to your excellency if you will kindly express to your august sovereign [the Queen Regent] my profound and respectful gratitude for the gracious form with which she has deigned to appreciate my efforts, and thank your colleagues. Also thanking your excellency, I beg you to accept the expression of my high consideration.

J. CAMBON.

LEÓN Y CASTILLO.

No. 100.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, August 5, 1898.

I hope that you will not consider it out of place if I call your attention to the far-reaching effects of the immediate abandonment of Cuba and Porto Rico before beginning the discussion of the treaty of peace as insisted upon by Mr. Day. If this is acceded to, the only difficulty remaining for the United States to solve will disappear—that is, the triumph over our arms in Cuba and the possession of Habana. Under these conditions, with Manila in their possession, the future of the Philippines, which must be discussed in the projected conference, will remain absolutely at the mercy of the United States. It is possible, and even probable, that at the point things have now reached the refusal to accept the abandonment implies a continuance of the war. The question involves, on this account, especial gravity; but, without endeavoring to influence in any sense, I have believed it my duty to suggest this to you, certain that, even though it be deemed unnecessary, it will be pardoned on account of the patriotic intention which inspired it and the grave consequences bound up in the issue.

LEÓN Y CASTILLO.

No. 101.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, August 7, 1898.

Received your excellency's telegram dated 4th instant, forwarding the telegram received by the Minister for Foreign Affairs from Mr. Cambon. Being considered by the Council of Ministers, it was decided to ask the good offices of the French Government to forward the following reply to their ambassador in the United States, for the purpose of placing it in the hands of the Secretary of State:

MADRID, August 7, 1898.

MR. AMBASSADOR: Through the ambassador of Spain in Paris, I have received your telegram dated the 4th instant, relating the interview with the President and the Secretary of State in further discussion regarding the interpretation of the bases applying to the Philippines, and also to ask the acceptance of other territorial compensation, for claim of war indemnification, in substitution for Porto Rico. The conjectures of your excellency as to the unalterable character of the bases offered were unfortunately very correct. Being therefore conditions *sine qua non*, as your excellency confirms in your dispatch, the Council of Ministers, appreciating fully the importance of your excellency's intimations that any vacillation on the part of the Government of His Majesty may make more onerous in the future terms of peace, has resolved to place in the hands of your excellency this communication accepting said bases, begging you to please present the same to Mr. Day.

In this last attempt, endeavoring to favor the interests of Spain, your excellency has displayed the same zeal and ability which gave occasion to our felicitations and acknowledgments, and if the results have not been more beneficial it is due to the fact, as stated by your excellency, that the intentions of the Federal Government are irrevocable. We consider it a veritable triumph to have obtained the designation of Paris in place of Washington for the conference of the peace negotiations and attribute to such success all the importance the discussion of the treaty on French soil has for us. I should advise your excellency, so you can set it before Mr. Day, with reference to the interpretation expressed verbally regarding the acceptance of the bases of peace by Spain, that the evacuation of territories without awaiting the treaty of peace raises for this Government a constitutional difficulty of great importance. Like the President of the Republic of the United States, who can negotiate with other powers, but needs the approbation of the Senate to put the negotiations in force, the King of Spain has limited powers. Article 55 of the constitution of the Monarchy provides:

"The King must be authorized by a special law: First, in order to alienate, cede, or exchange any part of Spanish territory; * * * fourth, in order to ratify treaties of offensive alliance, especially those of commerce, those which stipulate the giving of subsidies to a foreign power, and all those which individually bind Spaniards."

As your excellency may see, the execution of the clauses of the treaty of peace, before having obtained authorization from the Cortes, will not be possible to Her Majesty the Queen Regent and to her Government, who can negotiate only with this reserve.

I beg your excellency to cause this difficulty to be made clear to Mr. Day, assuring him at the same time of the good intentions of the Spanish Government, which will hasten the convocation of the Cortes for this purpose.

I complied with the request of your excellency regarding my august sovereign, who reiterates her compliments of congratulation, and my colleagues, who send their regards. I avail of this occasion, Mr. Ambassador, to express to you the assurances of my high consideration.

ALMODÓVAR DEL RÍO.

[NOTE.—The communication from the Duke of Almodóvar del Río to Mr. Day, dated August 7, 1898, above referred to, is printed in *Foreign Relations*, 1898, p. 822.]

No. 102.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, August 8, 1898.

I delivered this morning, and it has left for Washington, the reply of your excellency to the last telegram of Mr. Cambon.

LEÓN Y CASTILLO.

No. 103.

The Under Minister of State to the representatives of His Majesty abroad.

[Translation.]

MADRID, August 9, 1898.

EXCELLENCY: By royal order, communicated by the Minister of State, I have the honor of placing in your hands, confidentially, and for your information, copy of telegraphic message directed by the Government of His Majesty to the Government of the United States through the medium of the ambassador of France in Washington, accepting, with certain reservations, the conditions demanded by the President of the American Republic for the conclusion of peace.

Dios, etc.,

L. POLO DE BERNABÉ.

No. 104.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, August 11, 1898.

The Minister for Foreign Affairs has just communicated to me the following telegram of the French ambassador in Washington:

WASHINGTON, August 10.

DEAR DUKE: I have been to the White House, and by your express desire, in the presence of McKinley, communicated to the Secretary of State the telegram of

August 7 in which you declare that the Government of Spain accepts the conditions imposed by the United States. The reading visibly annoyed the President of the Republic and the Secretary of State. After a prolonged silence Mr. McKinley said to me: "I demanded of Spain the cession and consequently the immediate evacuation of the islands of Cuba and Porto Rico. Instead of a categorical acceptance, as was expected, the Spanish Government addresses me a note in which it invokes the necessity of obtaining the approbation of the Cortes. I can not lend myself to entering into these considerations of domestic government." I observed that the Government of His Majesty, in conforming to its constitutional obligations, did not do more than imitate the President, upon whom is imposed analogous obligations, and that in his answer of July 30 he had expressly reserved the subsequent ratification of the Federal Senate. I added that while it was true the Government of Madrid was striving to maintain itself within the limits of its powers, nevertheless it accepted in all its parts the demands of the United States. All my observations were fruitless. Seeing he was on the point of terminating the conversation, I then begged the President to tell me what pledges of sincerity Spain could give. "There is," he answered, "a means of putting an end to all quibbles. We can draft a project of a protocol which will set forth the conditions proposed to Spain on the same terms in which I have already formulated them, and which will fix the period in which, on the one hand, the plenipotentiaries charged to negotiate in Paris the treaty of peace will be appointed, and, on the other, the special commissioners charged with the duty of determining the details of the evacuation of Cuba and Porto Rico. I shall request your excellency to communicate this project of a protocol to Madrid, and ask from the Spanish Government authority to sign in its name. Then, but only then, will hostilities be suspended. My commission will place itself within the time agreed in communication with the military authorities of Habana and San Juan. This single act would constitute, in my view, the beginning of the execution I expect from Spain." The President of the Republic added that in his opinion this preliminary document will not have any other purpose or effect than to consecrate without delay the understanding of the two Governments for the commencement of peace, and that therefore it would not be necessary to reserve in it either the rights of the Cortes or those of the Federal Senate, required simply to ratify a definite treaty. The project of protocol will probably be communicated to me to-morrow; its terms will be, without doubt, of rigorous obligation. I should not conceal from your excellency that I am persuaded there will not be any modification admitted in it, and if it were proper for me to express myself here, however much it may cost me, I would express my conviction that if the Madrid Cabinet does not think it possible to accept this document Spain will have nothing more to expect from a conqueror resolved to procure all the profit possible from the advantages it has obtained. Please accept, Duke, the assurance of my very high consideration.

CAMBON.

LEÓN Y CASTILLO.

No. 105.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, August 11, 1898.

The Minister for Foreign Affairs communicates to me the following telegram:

WASHINGTON, *August 11, 1898.*

(Received at 7.15 on the 11th, No. 273, continuation of my telegram No. 271, for the Government of Madrid.)

PROTOCOL.

William R. Day, Secretary of State of the United States, and His Excellency Jules Cambon, ambassador extraordinary and plenipotentiary of the Republic of France at Washington, respectively possessing for this purpose full authority from the Government of the United States and the Government of Spain, have concluded and signed the following articles, embodying the terms on which the two Governments have agreed in respect to the matters hereinafter set forth, having in view the establishment of peace between the two countries, that is to say:

ARTICLE I. Spain will relinquish all claim of sovereignty over or title to Cuba.

ARTICLE II. Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrões, to be selected by the United States.

ARTICLE III. The United States will occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

ARTICLE IV. Spain will immediately evacuate Cuba, Porto Rico, and other islands under Spanish sovereignty in the West Indies; and to this end each Government will, within ten days after the signing of this protocol, appoint commissioners, and the commissioners so appointed shall, within thirty days after the signing of this protocol, meet at Havana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands; and each Government will, within ten days after the signing of this protocol, also appoint other commissioners, who shall, within thirty days after the signing of this protocol, meet at San Juan, in Porto Rico, for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto Rico and other islands under Spanish sovereignty in the West Indies.

ARTICLE V. The United States and Spain will each appoint not more than five commissioners to treat of peace, and the commissioners so appointed shall meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace, which treaty shall be subject to ratification according to the respective constitutional forms of the two countries.

ARTICLE VI. Upon the conclusion and signing of this protocol hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

CAMBON.

LEÓN Y CASTILLO.

No. 106.*The Ambassador of His Majesty in Paris to the Minister of State.*

[Telegram.—Translation.]

PARIS, *August 11, 1898.*

The Minister for Foreign Affairs has just communicated to me the following telegram:

WASHINGTON, *August 11, 1898.*

DEAR DUKE: On transmitting to me the project of the protocol whose text I telegraphed to your excellency, the Secretary of State sent me a letter, which is in substance as follows:

"Although the note delivered yesterday in the White House contains in its spirit the acceptance by Spain of the conditions proposed by the United States, in its form it does not particularize with sufficient explicitness, which no doubt is due to its having been several times translated and placed in cipher. It appears, therefore, that the surest method of avoiding any misunderstanding would be to set forth in a protocol the bases upon which are to be established the negotiations of peace, which protocol you and I would sign in the respective names of Spain and the United States."

According to this letter it is clear that after the conversation we had this morning, Mr. Day has modified in a notable manner the impressions produced upon him by the answer of the Madrid Cabinet and the state of mind I left him in last night. In effect, although the project of the protocol reproduces integrally the demands made by the Federal Government, it may be observed that, by the use of the future tense, these demands, notwithstanding they are very precise, do not have the character of immediate requirement which the note of July 30 has. This moderation is particularly noticeable in article 4, which is the one in which in drafting I encountered the greatest difficulty in getting the modifications adopted which appeared to me indispensable. In leaving to special commissioners the task of determining the conditions which should precede the evacuation of Cuba and Porto Rico, and in fixing a time of thirty days in order to come together in Habana and San Juan, it is evident that the United States demands only in principle the immediate evacuation stipulated at the head of article 4. On the other hand, the intention of not giving to this protocol other than the character of a prior understanding is shown in article 5, in which, reverting to the declaration made me last evening relative to the constitutional obligations of the Government of Spain, the Federal Government expressly reserves the ratification of the treaty of peace by the legislative powers of both countries. Finally, according to the terms of article 6, upon the signing of the protocol the suspension of hostilities will follow immediately. I have the satisfaction of announcing to your excellency that I have just received from Mr. Day a letter in which he advises me that the Federal Government, immediately upon the suspension of hostilities, intends to take prompt and efficient measures for provisioning Cuba.

Your excellency will please accept the assurance of my very high consideration.

J. CAMBON.

LEÓN Y CASTILLO.

No. 107.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, August 12, 1898.

In answer to the foregoing telegram from Washington which you have been pleased to send me, I beg you to deliver the following dispatch to the Minister for Foreign Affairs, to be transmitted to Mr. Cambon. The ambassador of France at this Court indicated to me this morning that his Government would prefer that the protocol preliminary to the negotiations of peace might be signed by a Spanish plenipotentiary. Upon submitting this suggestion to the Government the desire was unanimous and fervent that the Government

of France would permit its ambassador in Washington to sign said document in the name of Spain. This desire of the Government being stated to Mr. Patenôtre, he told me he would telegraph to Paris, and a moment ago advised me by telephone that according to very recent telegraphic dispatches the President of the Republic of the United States desires that the protocol be signed in Washington, and as soon as possible. In view of this, and by an understanding with the ambassador of France here, I am sending powers to Mr. Cambon, supposing that the French Government will kindly permit him to make use of them in order to terminate a negotiation by which Spain is to obtain the reestablishment of peace.

ALMODÓVAR.

[Inclosure.—Translation.]

MADRID, *August 11, 1898.*

TO THE FRENCH AMBASSADOR IN WASHINGTON.

MR. AMBASSADOR: Your three telegrams—the first referring to the interview with the President of the Republic and the Secretary of State at the White House for the purpose of presenting the note of this Government, the second containing the protocol, and the third commenting on said document—have been taken into consideration to-day by the Council of Ministers. The Government of His Majesty has resolved to accept in all its parts the text as drawn up by the Federal Government. In consequence of the acceptance of the protocol, which implies the suspension of hostilities between the two belligerents, this Government desires to make known its expectation that the United States will use all means to prevent the separatist forces in Cuba undertaking any aggressive acts. By this telegram I have the honor of sending your excellency the full powers which Her Majesty the Queen Regent, in the name of her august son the King Don Alfonso XIII, has been pleased to confer upon you, with the acquiescence of the President of the French Republic, so that you may be able to sign without other formality, or without delay, the protocol agreed upon whose text your excellency has been pleased to communicate in your telegram of August 11. By post I will send your excellency the formal instrument granting the full powers here given by telegraph. I have great satisfaction, Mr. Ambassador, by order of Her Majesty the Queen Regent and in the name of the Government which represents and interprets the sentiments of the Spanish nation, to express to your excellency acknowledgment of the eminent services for which Spain is your debtor.

I improve this occasion, etc.,

ALMODÓVAR DEL RÍO.

No. 108.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, *August 13, 1898.*

The Minister for Foreign Affairs has just sent me the following telegram from Washington directed to your excellency:

WASHINGTON, *August 12, 1898.*

In virtue of the full powers which Her Majesty the Queen Regent has been pleased to order conferred upon me, with acquiescence of the President of the

French Republic, and which your excellency has done me the honor of communicating to me by means of a telegram of the 11th instant, I signed at half-past 4, and at the same time as the Secretary of State, in the presence of the President of the United States, the protocol whose text your excellency is acquainted with. Mr. McKinley signed immediately afterwards in my presence an order to the commanders of the Federal forces by land and sea to at once suspend hostilities. In the meanwhile, until there is time for an analogous order to reach the commanders of the royal forces, the American officers will, when occasion presents [indecipherable in the French text] officially advise the Spanish officials of the suspension of hostilities. On stating to the Secretary of State that my full powers would be regularized later, I took pains to inform him that the Government of His Majesty depended upon the Federal Government taking necessary measures to avoid any aggressive acts on the part of the separatist forces in Cuba. The mission being terminated which your excellency, with the assent of my Government, confided to me, I beg to assure your excellency that I consider myself highly honored by the acknowledgments which your excellency has had the goodness to make to me by order of your august sovereign, as well as in the name of the Government and of the Spanish nation, and I improve this occasion to repeat to your excellency the assurance of my very high consideration.

J. CAMBON.

LEÓN Y CASTILLO.

No. 109.

The Ambassador of France to the Minister of State.

[Telegram.—Translation.]

MADRID, August 13, 1898.

DEAR DUKE: In view of the full powers which were conferred by the Government of His Majesty, and with the acquiescence of the President of the French Republic, our ambassador in Washington signed yesterday, with the Secretary of State of the United States, the protocol whose text had been previously communicated to you. Conforming to the instructions of the Minister for Foreign Affairs I have the honor of transmitting to your excellency the inclosed dispatch by which Mr. Cambon announces officially the signing of this instrument, as well as the sending of the order to the commanders of the American forces by sea and by land directing suspension of hostilities.

I avail, etc.,

PATENÔTRE.

[NOTE.—The dispatch which is alluded to in this note is the same as transcribed in the previous number.]

No. 110.

The Minister of State to the Ambassador of France.

[Translation.]

PALACE, August 13, 1898.

EXCELLENCY: I have just received the esteemed note of your excellency, dated to-day, advising me that, in virtue of the full powers conferred by the Government of His Majesty upon the ambassador of France in Washington, duly consented to by the President of the French Republic, yesterday Mr. Cambon signed in Washington, with the Secretary of State of the United States, the protocol whose text accompanies said note; also the telegram in which the ambassador announces officially the signature of this instrument and the immediate dispatch of orders to the Federal forces by sea and by land that hostilities definitely cease.

In tendering to your excellency, in the name of the Government of His Majesty, the most expressive thanks for the contents of your important note, I have the agreeable duty of begging you to please convey His Majesty's thanks to the President and Cabinet of the French Republic for the eminent services they have just lent to the Spanish nation and to the cause of peace.

I also beg your excellency to have the kindness to send to Mr. Cambon, through the medium of the Minister for Foreign Affairs of France, to whom Spain owes so much on this occasion, the inclosed telegram, by which I advise him of having given a report to the Council of Ministers of the contents of his communication, at the same time expressing to him our obligation for the intelligence and ability with which he has cooperated in a work of transcendental importance for our country.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

[Telegram.—Inclosure.—Translation.]

MADRID, August 13, 1898.

To His Excellency MR. JULES CAMBON,

Ambassador of France in Washington.

MR. AMBASSADOR: Through the amiable channel of his excellency the ambassador of France in this Court, I received a few hours ago the text of the telegram which advised me that there was signed yesterday at half-past 4 in the afternoon, conjointly with the Secretary of State of the United States, and in the presence of the President of the Republic, the text of the protocol fixing the bases for peace between Spain and the United States of North America; advising me, also, of the immediate suspension of hostilities decreed by the proclamation of McKinley, the measures adopted to officially notify the commanders of the Spanish forces, and the steps taken by your excellency to assure the observation of the armistice

on the part of the separatists of Cuba. I have just this moment given the contents of the communication of your excellency to the Council of Ministers in full conference. The Council approves your action and confirms the signing of this important instrument, directing on their part that there be transmitted to the commanders of our forces the order to abstain from all hostility by sea and by land against the American troops.

Reiterating to your excellency the expression of obligation of Her Majesty the Queen Regent, my august sovereign, and of her Government for the ability with which you have been able to carry to its conclusion a negotiation of such consequence for Spain, I improve, etc.,

ALMODÓVAR DEL RÍO.

No. 111.

The Under Minister of State to the representatives of His Majesty abroad.

[Translation.]

MADRID, August 13, 1898.

MY DEAR SIR: By royal order communicated by the Minister of State, I have the honor to send your excellency inclosed a copy of the protocol signed yesterday in Washington between the ambassador of France, in the name of the Spanish Government, and the Secretary of State of the United States.

Dios, etc.,

LUIS POLO DE BERNABÉ.

No. 112.

The Minister of State to the representatives of His Majesty abroad.

[Telegram.—Translation.]

MADRID, August 14, 1898.

There was signed in the afternoon of day before yesterday in Washington protocol for the preliminaries of peace, text of which I sent your excellency yesterday by post. Orders have been given for the suspension of hostilities.

ALMODÓVAR.

No. 113.

The Chargé d'Affaires of France in Madrid to the Minister of State.

[Translation.]

MADRID, September 1, 1898.

DUKE: The Minister for Foreign Affairs has just sent me the following documents, which have been forwarded by our ambassador in

Washington, with request that he transmit them to the Government of His Majesty:

First. The reply (text and translation) of the Government of the United States to the message of your excellency dated July 22 last.*

Second. The English text of the note of your excellency to the Secretary of State dated August 7.†

Third. The French translation of the reply of Mr. Day dated August 10.‡

Fourth. The English and French text of the protocol signed in Washington by Mr. Cambon and Mr. Day.§

Conforming to the desires of Mr. Delcassé, I hasten to send your excellency the documents just enumerated.

I improve, etc.,

J. B. PASTEUR.

* Printed in English in Foreign Relations, 1898, p. 820.

† Printed in Foreign Relations, 1898, p. 822.

‡ Printed in English in Foreign Relations, 1898, p. 823.

§ Printed in Foreign Relations, 1898, p. 828.

INTERPRETATION AND FULFILLMENT OF THE PROTOCOL OF AUGUST 12, 1898.

No. 114.

The Ambassador of France to the Minister of State.

[Translation.]

MADRID, August 15, 1898.

DEAR DUKE: Our ambassador in Washington has just transmitted to the Minister for Foreign Affairs advices which have been communicated to me, and of which I hasten to advise your excellency.

The Federal Government has sent to the commanders of the American squadrons orders to raise the blockade of the ports of Cuba, Porto Rico, and the Philippines, in which ports the merchant vessels of all nations may now enter.

Moreover, telegrams may pass freely between the United States, Spain, and the Spanish possessions. Cipher dispatches of private persons destined for Cuba and Porto Rico, or which originate in these islands, will nevertheless remain subject to censorship. This measure will not apply to telegrams of the Spanish Government, which may communicate by means of cipher, as before the war, with the civil and military authorities of Habana and San Juan.

I improve, etc.,

PATENÔTRE.

No. 115.

The Minister of State to the Ambassador of France.

[Translation.]

PALACE, August 15, 1898.

MY DEAR SIR: I have the honor to acknowledge your esteemed note of this date informing me that the ambassador of the French Republic in Washington has notified the Minister for Foreign Affairs in Paris that the Federal Government of the United States has given the proper orders to the chiefs of their squadrons to raise the blockades of the ports of Cuba, Porto Rico, and the Philippine Islands, where from now on merchant vessels of all nations may enter; and,

moreover, that cipher official telegrams may circulate freely between that Republic and Spain and her possessions, while those of private persons yet remain subject to the censorship. I tender to your excellency thanks for communicating these advices, and avail, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 116.

The Ambassador of France to the Minister of State.

[Translation.]

MADRID, August 17, 1898.

DEAR DUKE: Our ambassador in Washington, to whom I gave notice of your desire to know as soon as possible the names of the American commissioners who are to be charged with the settlement of questions relative to the evacuation of the Antilles, communicates to me the following details obtained from the Department of State:

There have been designated for Cuba: Major-General (of division) Wade, Rear-Admiral Sampson, Major-General Butler.

There have been designated for Porto Rico: Major-General Brooks, Admiral Schley, Brigadier-General Gordon.

I expect to give you to-morrow the other details you desire to know.

I avail, etc.,

PATENÔTRE.

No. 117.

The Minister of State to the Ambassador of France.

[Translation.]

PALACE, August 20, 1898.

EXCELLENCY: I have the honor of informing your excellency that in compliance with Article IV of the protocol signed in Washington the 12th instant the Spanish Government has appointed as commissioners to agree upon and execute the details of the evacuation of the island of Cuba the following officers: Don Julián González Parrado, general of division; Don Luis Pastor y Landero, rear-admiral; and the Marquis de Montoro.

For the same object in Porto Rico: Don Ricardo Ortega y Díaz, general of division; Don Eugenio Vallarino y Carrasco, captain of first class in the navy; and His Excellency Don José Sanchez del Aguila, auditor of division.

I avail, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 118.

The Ambassador of France to the Minister of State.

[Translation.]

MADRID, August 22, 1898.

DEAR DUKE: The ambassador in Washington communicates to me the following information which the Federal Government furnishes in answer to the inquiries lately made of him by your Department:

No objection will be made to the reestablishment of the postal service between Spain and Porto Rico and between Spain and Cuba and the Philippines.

Spanish subjects may freely transport under the Spanish flag provisions to Cuba and the Philippines, but the importation of food into Porto Rico from the United States is reserved to American vessels. A state of war existing between the two countries, notwithstanding the suspension of hostilities, the above-mentioned conditions have been agreed upon, but with the following provisions:

First. That access to Spanish ports will not be prohibited to American vessels during the present period.

Second. That in case of reopening of hostilities American vessels will enjoy the immunities conceded to Spanish vessels by articles 4 and 5 of the proclamation of last April.

I hasten, etc.,

PATENÔTRE.

NOTE.—This telegram is in answer to questions formulated verbally by the Minister of State to the ambassador of France regarding the reestablishment of postal service and of marine commerce.

No. 119.

The Minister of State to the French Ambassador.

[Translation.]

PALACE, August 23, 1898.

EXCELLENCY: I received the esteemed note of your excellency of yesterday transmitting the replies of the Government of the United States to the questions directed to it through the medium of your excellency on the 13th instant for this Department.

The Government of His Majesty consents that the conditions stated—that the access of American vessels be permitted to Spanish ports during the present period, and that in case of hostilities reopening American vessels are to enjoy the immunities conceded

to Spanish vessels by articles 4 and 5 of the proclamation of the United States of April 26 last—should be understood in the sense of reciprocity between the two countries.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 120.

The Chargé d'Affaires of France in Madrid to the Minister of State.

[Translation.]

MADRID, August 26, 1898.

DUKE: I hasten to forward inclosed to your excellency copy of telegram from the ambassador of the Republic in Washington concerning which I had the honor of talking with you yesterday afternoon, and which the Minister for Foreign Affairs sent me this morning.

I avail, etc.,

J. B. PASTEUR.

[Inclosure.—Translation.]

Telegram transmitted from Washington, via Paris, August 25, 1898.

The Americans commissioned to agree upon the details of the evacuation of Cuba will sail shortly for Habana. The American Federal Government begs me to so advise the Spanish Government, so that if they have not yet withdrawn the mines of that port they will be withdrawn. The Department of State desires to receive as soon as possible the reply of the Cabinet of Madrid to this notification.

No. 121.

The Minister of State to the Chargé d'Affaires of France at Madrid.

[Translation.]

PALACE, August 26, 1898.

MY DEAR SIR: In answer to the note of your embassy dated to-day, I have the honor of informing you that my colleague, the Minister of War, just advises me that opportune orders are given to the military authorities of Habana that the torpedoes which were placed in that port on account of the war be lifted before the American commissioners of evacuation arrive.

The Government of His Majesty will feel much obliged if at a proper time your excellency will call the attention of the United States to the grievous situation of the families of the chiefs and officers of the forces garrisoned in the archipelago of the Marianas, who, being separated from such officers, are almost absolutely deprived of resources. The Government of His Majesty doubts not

that the United States, inspired by the sentiments of humanity and under the responsibility which is incumbent upon them, on account of having taken said officers to Manila, will shortly adopt necessary measures for transporting said families to Cavite or sending them home.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 122.

Instructions for the Spanish commissioners who are to form part of the mixed commission charged with the evacuation of Cuba and Porto Rico.

[Translation.]

In accordance with the provisions of Article IV of the protocol signed in Washington August 12, 1898, the object of the mixed commission of Spaniards and Americans created by said article is to agree upon and execute the details of the military evacuation of the sea and land forces now actually on the islands of Cuba and Porto Rico.

The Spanish and American commissioners should meet in Habana and San Juan, Porto Rico, respectively, as disposed in said Article IV of the protocol, within thirty days following the signing of the document—that is to say, before September 11, the last day of the period fixed.

The Spanish commissioners should first determine and elucidate the meaning in the protocol of the word “evacuation,” taking for granted that it is used in the sense of “military evacuation,” or the retirement of the Spanish sea and land forces; not that it may refer to all the branches of the civil organizations existing in these islands.

You will hold this interpretation without raising the question and discussing it, as an evident supposition from every point of view, leaving any discussion to the contingency that the American commissioners may give other interpretation and effect to the evacuation prescribed in the protocol.

If the American commissioners endeavor to give to the evacuation a broader character than one purely military, then the Spanish commissioners should refute this view in terms of the greatest formality and courtesy, striving to convince the Americans that the very terms in which the protocol is drawn demonstrate that the total evacuation, with the delivery of sovereignty, should be made after the ratification of the definite treaty of peace, it being a point about which there can be no discussion, having been agreed upon beforehand.

Note that the future tense and not the present is made use of in relation to Articles I and II of the protocol relative to the renunciation of the sovereignty of Cuba and cession of Porto Rico.

Another proof that the evacuation is exclusively military is the fact that the American commissioners of evacuation are all military or naval men, not competent to deal with matters of civil organization. If the American commissioners do not conform to the purely military understanding of the evacuation, the Spanish commissioners will consult by telegraph with His Majesty's Government.

EVACUATION OF THE ARMY.

The Spanish commissioners will state to the American commissioners that for a guaranty of public order, security of foreigners, and especially Spaniards and natives who have been faithful to the cause of Spain, the evacuation of the Spanish forces can only take place upon the occupation of their posts by American regulars in sufficient number to guarantee the protection of all. The Spanish commissioners will make evident the necessity of this precaution, founded exclusively upon considerations of humanity, without political aspect of any kind. In Cuba and Porto Rico Spanish interests are considerable and justify demands that they be respected and guaranteed, and there is a large Spanish population which, by birth in the Peninsula or love for it, would be victims of cruel outrages were there not a regular public force in condition to impose order. An understanding, therefore, on this point is indispensable.

The Spanish commissioners will come to an understanding with the American commissioners in order to decide beforehand regarding the movement of troops—for the advance of the American forces as well as for the evacuation of the Spanish. But they will ask that the means of transportation at command of the Spanish Government be taken into consideration. With the object of agreeing upon and arranging the details of embarkation of the troops, the Spanish commissioners will negotiate with the Transatlantic Company and consult and receive orders from the general in chief. A very essential point of the evacuation is that it be made in Spanish vessels or vessels chartered for the account of Spain; therefore, it will be necessary to regulate the number necessary for this service, guarding against undue crowding, and above all that the transportation of the sick and wounded be made under the very best conditions possible.

Regarding these points the Spanish commissioners will come to an understanding with the agents of the Transatlantic Company and the sanitary officers.

In Cuba the evacuation should be made from east to west, as the part now actually occupied by the Americans is only the region of Santiago de Cuba.

The Spanish commissioners will sustain and maintain that the troops must take with them their flags, arms, munitions, equipments, clothing, saddles, magazines, pieces of artillery of all classes, with their mountings and accouterments, and all accessories, and in general all material of war, including that of the corps of engineers, administration, and hospital service, and the machinery and articles of the military workshops.

Likewise, you will send back to Spain all the archives and documents of the military departments and corps of the army, turning over to the local Spanish authorities the buildings, fortifications, and other establishments vacated. Finally, there should be returned to Spain the greatest possible number of useful articles, preferably those not constituting the permanent defense, as, for example, the batteries lately placed on account of the war and in points where before none existed; and the delivery of those which can not be transported will not be made directly to the Americans by the Spanish troops, but to the local administrative authorities, to be delivered by them to the Americans. If possible, arrangements should be made that the American troops may not enter in any locality before the Spanish troops have left, to which end the mixed commission can agree upon dates, even to the hour. The Spanish troops evacuating a locality will take charge of the arms, munitions, and equipments of the resident volunteers as originating from the park of artillery, the object being that the volunteers may deliver their arms to the Spanish army by whose side they have so valorously fought, and not to the Americans, and so that these arms and munitions which proceeded from the artillery parks and are property of the Spanish Government may be sent back to Spain.

NAVAL EVACUATION.

The Spanish commissioners will state to the American commissioners that as the American forces occupy ports Spanish vessels of war will leave them, fully supplied with coal from the official deposits or acquired from private stores. The ships will take what effects they have aboard, or in magazines, and that part of the marine archives which may be considered of utility in Spain. The vessels will go to ports designated by the supreme naval authority of each island, for which purpose the Spanish commissioners will come to an understanding with them.

The commissioners will maintain the right of the Government of Spain to retire from the islands of Cuba and Porto Rico the floating dry dock, the machinery and fixtures of the arsenals, and the supplies, munitions, and coal in the deposits, and will ask for this purpose a term of six months, counting from the meeting of the mixed

commission. Regarding movable effects, property of the Spanish State, it will be arranged that Spain can do with them as desired. The Spanish commissioners will also demand the serviceable effects of war vessels and auxiliaries lost or destroyed on the coasts of Cuba or Porto Rico during the present war, and especially and very particularly those which were not captured.

For the purposes of the military evacuation, the commander in chief of the marine of Porto Rico will be considered as general commander of the naval station and squadron, independent of that of Habana.

TRANSITORY LEGAL STATE.

If the American commissioners recognize that the evacuation has exclusively a military character, but nevertheless are disposed to begin an examination of the transitory state imposed upon the islands of Cuba and Porto Rico as a consequence of the evacuation, the Spanish commissioners will have in mind the following instructions:

In the first place, you will make clear that the retirement of our troops does not signify the total delivery of our sovereignty, but that this can only take place after the ratification of a definite treaty, which according to the provisions of Article V of the protocol should conform to the constitutional forms of both countries. We have therefore from the natural course of events a transitory state, which will begin when our forces have left Cuba and Porto Rico, and which will not end until the exchange of the ratifications of the definite treaty and the subsequent delivery of the sovereignty. It is therefore indispensable, in order to avoid conflicts and prejudiced interpretations, to determine in a precise manner the system which must apply to the Antilles during this interregnum.

The Spanish commissioners will maintain, in order to determine upon this régime, that it is necessary to classify into two groups the territories of the Antilles—the first being those actually occupied by Americans *manu militari*, with authority from the signing of the protocol, and the second the territories now under the powers of the Spanish authorities. This classification is very essential and adjusted strictly to natural laws.

In the territories occupied by the American forces previous to the protocol, there is no impediment to recognizing the rights of the Federal authorities of the Union to institute an administrative system—economic, judicial, and political—which may be considered founded upon the right of conquest. The Spanish commissioners, acknowledging this principle, will try to obtain a declaration that the Government of the United States or its authorities will not establish in these territories custom-house or Treasury duties for

the importation, exportation, navigation, or property, which would have a differential character in prejudice of Spanish products, vessels, or property; obtaining for Spanish products and navigation all the benefits of a most-favored-nation treatment, and thus obtaining all the advantages possible, so as not to sever abruptly a current of commerce equally beneficial to the Peninsula and to the islands of Cuba and Porto Rico. Equity demands such a treatment of relations which, based upon an armistice, have a friendly rather than a warlike signification. On the other hand, the Spanish commissioners will maintain that in the territories not occupied by force of arms by the Americans previous to the protocol, and which therefore remain in the power of the Spaniards, the laws and dispositions will continue in force which regulate at the present time all the private and public rights in all grades of civil official organization until, as provided in Article III of protocol, the definite treaty of peace is concluded and ratified and there is established in consequence by the competent authorities the corresponding legislation. The Spanish commissioners, taking the position that the protocol does not change the legal state of these territories until the ratification of the definite treaty, will maintain that until that moment the administrative, economical, judicial, and political operations will be carried on subject to royal decrees of November 25, 1897. From this it follows that the transitory state of rights remains perfectly defined in Cuba and Porto Rico, based upon principles of universal justice, in benefit of peace and of the best understanding between the two countries and Governments.

OBSERVANCE OF THE ARMISTICE BY THE INSURGENTS.

The Spanish commissioners will obtain from the Americans a declaration that their Government will see that the rebel forces respect the armistice. If the rebel forces commit acts of hostility against the Spanish forces, the latter may take the offensive, and the mixed commissions, with the cooperation of the commanding generals of both armies, will agree upon the measures to be taken to assure tranquillity and repulse aggression.

The armistice being established by the two Governments in conformity with Article VI of the protocol, good faith demands enforced compliance upon the rebel forces.

The Spanish commissioners will observe in their relations with the Americans due civility and courtesy, carefully avoiding every motive for friction; consulting the Government of His Majesty by telegraph, through the Governors-General of Cuba and Porto Rico, regarding any doubt or difficulty not foreseen in the present instructions. If there should arise any obstinate question, whether already

foreseen or not covered by these instructions, the Spanish commissioners will propose that such questions be expressly reserved, so as to be definitively treated by the peace negotiators to convene in Paris.

Recognizing the patriotism, zeal, and intelligence of the commissioners named by Her Majesty, the Spanish Government confides to them the performance of a duty as sad as it is difficult.

The President of the Council of Ministers,

PRÁXEDES M. SAGASTA.

MADRID, *August 28, 1898.*

No. 123.

The Under Minister of State to the Ministers of the Navy and the Treasury.

[Translation.]

PALACE, *September 2, 1898.*

EXCELLENCY: By royal order communicated by the Minister of State, I have the honor of advising your excellency for your information that according to the understanding established between the Government of His Majesty and the Government of the United States during the present suspension of hostilities between Spain and that Republic, merchant vessels of each nation may enter the ports and waters of the other.

Dios, etc.,

L. POLO DE BERNABÉ.

No. 124.

The Minister of State to the Chargé d'Affaires of France in Spain.

[Translation.]

PALACE, *September 7, 1898.*

MY DEAR SIR: The necessity the Government of His Catholic Majesty feels for an understanding with the United States respecting certain points more or less connected with the protocol of the 12th of August moves me to have recourse to the intelligent efforts of your excellency to the end that, thanks to the friendly cooperation of your Government and the embassy of France at Washington, these points may be brought forward and possibly decided in conformity with the principles of universal right and in benefit of the readiest understanding between the two States yet belligerents.

The first of these points refers to the present legal status of the city, port, and bay of Manila, occupied by the Americans. The Government of His Majesty understands that the United States occupies the city, port, and bay of Manila in virtue of the provisions

of Article III of the said protocol, and not in consideration of the clauses of the capitulation of August 14. This capitulation, on account of having taken place after the signing of a convention of armistice, is and should be considered null, and therefore those territories which the North Americans occupy in the Philippine Archipelago should be considered as ceded temporarily by Spain, without renunciation of her sovereignty, and not as conquered *manu militari* by a belligerent army. The distinction is essential and the consequences are radically different.

On correct principles the truce begins at the moment a convention of armistice is signed, and if the officials of both armies are not responsible for compliance with it until the moment it is officially communicated to them the good faith of both contracting Governments nevertheless obliges them to make reparation for damages which may have been caused during the time necessary for giving this notification. The exponent of international law, Grotius, sets forth this conception very clearly in the following words:

The truce and all that pertains to it constrain the contracting parties from the moment in which the understanding has been covenanted, but the subjects of one or another of the parties are not constrained until the truce takes the form of law, which implies some public notification. This notification being made, the truce is immediately obligatory upon the subjects, but if the notice has not been made in more than one place it will not produce effect in all places of the dominion; a sufficient time is necessary for it to be known in all localities. *Therefore, according to this, if in the interval anything is done contrary to the truce, the subjects are exempt from penalty, but nevertheless the contracting parties should repair the damages caused.* (Droit de la guerre et de la paix, book 3, Ch. XXI.)

The same principle is sustained by the principal authors of treatises of the different schools, and among them the highly reputed Mr. William Edward Hall affirms that—

The acts of war undertaken after the conclusion of peace, or the time fixed for the termination of hostilities, although they may be committed in ignorance of the existence of the peace, are necessarily null. * * * The territories occupied under these conditions should be returned. (A Treatise on International Law, second edition, Oxford, 1884, p. 520.)

The capitulation of Manila can not in any manner be considered as a fact of law, because, before it was consummated, it had been solemnly agreed between the Governments of Spain and America that hostilities were suspended. This is the only and true interpretation which can be given to these events, considered in conformity with the principles of the law of nations.

Manila, its bay, and port being occupied by the Americans in virtue of a gracious concession of Spain (an act which does not signify the renunciation of her sovereignty), and not by the right of conquest, it is incontrovertible that the United States can not

exercise over the territory occupied by its military forces other jurisdiction than that indispensable for maintaining public order, and that there shall remain in force there, as in the rest of the Philippine Archipelago, the existing Spanish laws and regulations, which will continue to control public and private rights of all classes and official organizations until the definite treaty of peace shall decide the régime, disposition, and future government of those islands. To act otherwise would be to oppose the law and defraud the first basis of the peace to be established between Spain and the United States.

The logical consequence to this declaration is that the forces surrendered in Manila are by right free, and the Spanish Government may dispose of them as it wishes. These forces are not and can not be considered prisoners. The capitulation of August 14, as has been said, absolutely lacks legal force, having been concerted after the suspension of hostilities. But in this capitulation, which is clearly null, it was provided by Article I that the individuals comprehended in it should remain at liberty. There is, therefore, no doubt that the freedom of the regular troops is effected, of whose services the Spanish Government may avail during the suspension of hostilities for the purpose of imposing order and protecting the lives and property of subjects and foreigners in the island of Luzon—in the part not occupied by the Americans, as well as in other portions of that extensive archipelago.

The Government of His Majesty, which preserves full sovereignty in the Philippines, has perfect right to and should combat the armed rebellion which, without reason and without sufficient organization, has broken forth in those islands, and for this purpose it is proposed to utilize the forces which garrisoned Manila and to send from the Peninsula any troops considered necessary.

In view of what has been set forth the Government of His Majesty is confident that the Government of the United States will not interpose difficulties against the departure from Manila and distribution in the archipelago of the Spanish troops, their flags, arms, and munitions, as also against the conservation of all the organizations—administrative, judicial, and political—of civil character now existing in said capital.

The Government of His Majesty makes a definite declaration regarding these urgent matters, in the expectation that it may be accepted and acknowledged by the Washington Cabinet.

Another result of the above contentions is that the economic and fiscal régime which existed before the war in Manila should continue, preserving the same organization of the custom-house, the collections of which should continue to be made by the one having full power and right, for the payment of obligations legally

acquired. The Government of His Majesty considers that said revenue can not be diverted without injury to the legitimate rights of private persons, and expects that this also will be acknowledged by the United States.

Another point not less important is in reference to the class of relations which have existed or may exist between the regular forces of the United States and the rebel Tagalos. Be these what they may, it is certain that the Government of the Union has not recognized such rebels as belligerents, which in truth they are not, and therefore there should not be conceded to them international recognition of any kind, nor acknowledgment of their right to man armed vessels and hoist ensigns on them, because such vessels do not pertain to any recognized nationality and it is moreover proposed to have them commit acts of force and depredation upon Spanish territories and in Spanish seas. For this reason His Majesty will consider such rebel vessels pirates and judge them as such, and, to repel and punish their aggressions, Spanish merchant vessels going to the Philippines will go well armed, in the assurance that the American Government must acknowledge the forethought and justice of this measure.

The Tagalo rebel forces being disorganized, without law, without discipline, and without ideas of military honor, it is not possible that the Government of the United States has been able to regard them as allies. Nevertheless, the fact that the chief of such forces was taken to Manila by the American commodore, Mr. Dewey, from whom he received arms, munitions, and all kinds of assistance, and there having been official intercourse between the American general and Aguinaldo, makes the United States in a certain sense responsible for the acts of the Filipino rebels. It is not strange, therefore, that the Government of Spain has recourse to the Government of the United States in order that one of the gravest evils these rebels have caused be remedied. I refer to the grievous situation of the unfortunate Spanish prisoners who have fallen into their hands.

These Spanish prisoners being held in territory where the American troops exercise authority, nothing is easier for them than to demand their delivery, either for the purpose of putting them at liberty, as sentiments of humanity would counsel, or to retain them in their hands, under the honor and faith of the United States. The spectacle of these prisoners, victims of the blind fury of people of little civilization, can not but offend the Christian sentiment of all enlightened nations, and it is certain that the United States, as soon as they are informed of the facts, will put an immediate termination to a state of affairs which morals condemn and natural law repels, and which a noble sentiment of compassion demands.

Finally, permit me again to call your attention to the critical situation in which the families of the officers of the garrison of the Marianas find themselves, being separated from said officers and deprived almost entirely of resources. It is known that one of the military expeditions of the Americans which sailed from San Francisco, Cal., took possession of one of the Mariana Islands, seizing as prisoners and transporting to Cavite the officers of the garrison. These officers continue in the power of the Americans, and, as communication with the Marianas is very difficult, the families there are in the greatest affliction, lacking news and even means of subsistence. The Government of His Majesty does not doubt but that the Government of the United States, inspired by sentiments of humanity and under the responsibility of having taken said officers to Cavite, will adopt shortly the necessary steps for transporting their families there, or for returning them to Spain. I desire, at any event, a definite answer as to this matter.

The Government of His Majesty is sure that the Government of the French Republic and its worthy ambassador at Washington will pardon the trouble which on this occasion they are caused, in view of the importance of the negotiations with the United States intrusted to them and the influence such action has on the complete reestablishment of peace. In every way the Spanish Government reiterates the testimony of their gratitude to the Government which your excellency so worthily represents in this Court.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

[Inclosure.—Translation.]

The Spanish Government, by its note of the 7th instant, requests the French ambassador at Washington to make the following observations to the Secretary of State, in the name of His Catholic Majesty:

First. The Spanish Government is of the opinion that the occupation by the American forces of the city, bay, and harbor of Manila must be considered in virtue of the provisions of Article III of the protocol of August 12, and not in virtue of what was agreed to in the capitulation of the 14th of the same month, which is absolutely null by reason of having been concluded after the belligerents had signed an agreement declaring the hostilities to be suspended.

Second. By virtue of the agreement, the Spanish Government is of the opinion that the occupation of the city, harbor, and bay of Manila by the Americans does not confer upon the United States the faculty of altering the Spanish laws there in force, but that they are to respect these laws and provisions and maintain all the civil, administrative, judicial, and political institutions until the final treaty of peace shall determine the régime (control), disposition, and government of the Philippine Islands for the future, since it is a matter of occupation in which Spain has acquiesced without renouncing her sovereignty, and not of territory conquered *manu militari*.

Third. The Government of His Majesty, considering the Spanish troops that were garrisoned at Manila as free, proposes to avail itself of them during the suspension of hostilities by transporting them, with their colors, arms, and ammunition, to other parts of the island of Luzon which are not occupied by the Americans, or other islands in the archipelago, with a view of putting down rebellion, maintaining order, and protecting the lives and property of its subjects and of foreigners, in accordance with its rights and duties as a sovereign.

Fourth. The Spanish Government is confident that the Government of the United States will not, during the period preceding the ratification of the treaty of peace, bring any change into the economics and fiscal administration of Manila, and that it will not divert for other purposes the customs revenues which are applied to the discharge of lawfully incurred obligations. Were it otherwise, legitimate private interests would be injuriously affected.

Fifth. The Spanish Government requests that the Federal Government will demand of the Tagal rebels the surrender of the Spanish prisoners now held by them, in order either to release them as humane sentiments should suggest or to hold them on the honor and guaranty of the United States. The Spanish prisoners are made to suffer every description of ill treatment at the hands of the Tagal rebels, and inasmuch as the latter have not been recognized as belligerents they can not be allowed the right to hold prisoners on territory which is, as a matter of fact, occupied by the American forces. Mercy demands the cessation of a condition of things repugnant to morality.

Sixth. The Spanish Government holds that the rebels in the Philippines, not having been recognized as belligerents, have also no right to charter armed vessels and to display on such vessels a flag that possesses no kind of international representation, to the end of engaging in acts of aggression and in depredations on Spanish territorial land and waters. Consequently they will be considered by Spain as pirates and tried as such. In order to repel and chastise the attacks of such rebel vessels on Spanish merchant ships that may visit the Philippines, the Government of His Majesty has decided to provide said ships with adequate armament, and hopes that the Government of the United States will admit that this is a necessary and fair measure.

Seventh. The Spanish Government asks that the Government of the United States will cause the families of the Spanish officers who were taken from the Mariana Islands and brought into the Bay of Manila to be transported to Cavite or returned to their homes in Spain. These families are without news from the said officers and said to be in deplorable circumstances, without even means of subsistence.

No. 125.

The Chargé d'Affaires of France in Madrid to the Minister of State.

[Translation.]

MADRID, September 9, 1898.

DUKE: Under date of the 7th your excellency is pleased to send me a note, setting forth the different questions relative to the status of Manila and the Philippine Islands, which the Government of His Majesty desires to see determined or elucidated as soon as possible by the Government of the United States.

According to the wishes of your excellency, I have sent without delay by telegraph to the Minister for Foreign Affairs a translation

of the inclosure which accompanies this note, asking him to instruct Mr. Jules Cambon to call the attention of the United States thereto, and have set forth the importance the Government of His Majesty attributes to it.

I also sent yesterday by post to Mr. Delcassé the note *in extenso*.

Receive, etc.,

J. B. PASTEUR.

No. 126.

Telegram from the Ambassador of France in Washington, delivered in person by the Chargé d'Affaires of France in Madrid.

[Translation.]

PARIS, September 9, 1898.

In re the investigation of matters which the Spanish Government desired to have called officially to the attention of the United States—

First. The commanders of the American forces have no information that about that date there sailed from Manila a vessel manned by 700 rebels, nor that any marine expedition has recently sailed from Luzon to attack the other possessions of Spain in the archipelago. But about the 10th of August—that is to say, before the signing of the protocol—two vessels, with from one hundred to two hundred insurgents aboard, left the Bay of Manila with destination unknown.

Second. The insurgents have not control of five vessels, but of three or four, of which only two are armed with cannons, and the largest could not transport more than 250 men.

Third. The Federal Government has not begun, nor authorized, the chartering of any vessels for sending to Spain the Spanish troops embraced in the capitulation of Manila.

Fourth. The measures suggested by the Spanish Government to use these troops for the repression of the insurrection “can not be taken into consideration by the Government of the United States, having in mind that these forces, even before the surrender of Manila, were besieged by land by the insurgents and blockaded by sea by the American squadron.”

Fifth. The Secretary of State adds, on the other hand, it would be a matter of regret if Spain should send troops of the Peninsula to the Philippines, relying upon rumors, of which some have been shown to be incorrect and others yet are not confirmed. It is to be desired that each Government abstain from all acts which, inconsistent with the suspension of hostilities, might necessitate the adoption of corresponding precautionary measures by the other Government.

Sixth. The Federal Government will use its influence to prevent any aggressive acts on the part of the insurgents during suspension of hostilities.

Seventh. September 5 Admiral Dewey telegraphed that the families of the officers of the *Ladrones* were yet in Guam, and that according to the statements of the Spanish governor they were not left in any manner without resources. The *Monterey* and *Monadnock*, on touching at the island, did not find in it any signs of distress. In the letters these vessels took to the officers at Manila no complaints were made. Finally, the Spanish authorities continue collecting taxes in Guam, and were in condition to give any relief necessary.

NOTE.—This telegram answers questions made verbally by the Minister of State to the representative of France.

No. 127.

The Minister of State to the Chargé d'Affaires of France at Madrid.

[Translation.]

PALACE, September 9, 1898.

MY DEAR SIR: In addition to my note of August 20, in which I notified your embassy of the names of the commissioners appointed by the Government of His Majesty to agree upon and execute the details of the evacuation of the island of Cuba, I have the honor of advising you that, on account of the illness of Rear-Admiral Don Luis Postor y Landero, Rear-Admiral Don Vicente de Manterola y Tasconera has been named in his place.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 128.

Telegram from the Ambassador of France in Washington, delivered in person by the Chargé d'Affaires of France at Madrid.

[Translation.]

PARIS, September 18, 1898.

The Government of the United States believes that the Spanish-American commission charged to carry out the evacuation of Porto Rico has about concluded its work. By next Monday the Spanish troops will abandon their respective garrisons and will concentrate in Ponce. Nothing more will remain to be accomplished than returning them to Spain, respecting which the Spanish commissioners

have not yet received instructions. The Department of State asks me to inform the Spanish Government that it would feel obliged if this is provided for, sending transports as soon as possible.

No. 129.

Telegram from the Ambassador of France in Washington, delivered in person by the Chargé d'Affaires of France at Madrid.

[Translation.]

REPLY OF THE GOVERNMENT OF THE UNITED STATES TO THE SPANISH
NOTE OF SEPTEMBER 7, 1898.

VIA PARIS, *September 22.*

A careful perusal of the communication in question leads to the conclusion that it was sent from Madrid before the receipt there of the note of this Department of the 5th instant in reply to the communications of the French embassy of the 29th of August and the 3d of September.

The first four paragraphs of the communication now under consideration may be said to depend upon the opinion now expressed by the Spanish Government that the American forces must be considered to hold the city, bay, and harbor of Manila by virtue of the provisions of Article III of the protocol of August 12, and not by virtue of the capitulation of the 14th of the same month, since the protocol provided for the suspension of hostilities.

The Department is unable to concur in the opinion of the Spanish Government that the capitulation of Manila was null and void because after the signature of the protocol. It was expressly provided in the protocol that notice should be given of the suspension of hostilities, and it is the opinion of this Government that the suspension is to be considered as having taken effect at the date of the receipt of notice, which was immediately given by this Government. Indeed, it would seem that the suggestion made in the present communication of the nullity of the capitulation is in the nature of an afterthought, since nothing of the kind was suggested in the communications of the 29th of August and the 3d of September, which specifically related to the situation in the Philippines.

As to the nature of the right by which the United States holds the city, bay, and harbor of Manila, it is the opinion of this Government that it is immaterial whether the occupation is to be considered as existing by virtue of the capitulation or by virtue of the protocol, since in either case the powers of the military occupant are the same.

As to what is stated in the communication of the Duke of Almodóvar in relation to the treatment of Spanish prisoners, it is proper to say that the information of the Department is that such prisoners have for the most part been well treated. Within the last few days it has been reported that some of the prisoners have been released.

The reference to the families of Spanish officers in the Ladrones is evidently to be accounted for by the fact, to which the Department has heretofore adverted, that the Duke of Almodóvar, in sending his communication, had not received the Department's note of the 5th of September.

No. 130.

The Minister of State to the Chargé d'Affaires of France at Madrid.

[Translation.]

PALACE, September 28, 1898.

MY DEAR SIR: I have had the honor to receive the copy of the telegram of the ambassador of France in Washington, transmitted to your excellency from Paris the 22d instant, and which contains the reply of the Government of the United States to my note dated the 7th of this month.

Having considered the reply with due care, I feel obliged once more to recur to the good offices of your excellency, to beg you that by the friendly medium of the Government you so worthily represent in this Court at the present time, and the authorized intervention of Mr. Jules Cambon, there may be presented to the Government of the Union the declarations and reserves which said reply suggests to the Cabinet of Madrid.

In the first place, I should make it clear that the Government of the United States of America does not present any argument that refutes the assertion, founded upon the principles of international right, universally acknowledged, that the capitulation of Manila August 14, made after the protocol of the same month, is absolutely null and of no judicial value.

In examining the text of the reply of the American Government, doubt arises whether instead of having in view the text of the already cited note of the 7th instant it has not simply answered a telegraphic extract of the same.

Truly, the theory it attempts to sustain—that the suspension of hostilities should not be considered effective until the day of the reception of the proper notification—is not defensible in law, as is fully set forth in the note of the 7th instant, and this is proved as well by the principal authorities on international law as by all the

precedents which can be consulted in the history of wars between enlightened countries. Article VI of the protocol provides: "Upon the conclusion and signing of this protocol hostilities between the two countries shall be suspended." The good faith of the two contracting Governments constrains them not to avail of the difficulties of transmission of the necessary orders, to vary or modify the situation existing at the moment the truce was stipulated.

The stipulations contained in said Article VI respecting the orders which each of the two Governments should give as promptly as possible to the sea and land forces do not in any manner limit the obligations undertaken that "upon the conclusion and signing of this protocol hostilities between the two countries shall be suspended."

Morally, no hostile act after the conclusion and signing of the solemn pact can have any judicial value, even though conflicts might take place on account of the impossibility of at once advising the belligerent forces of the suspension of hostilities—an impossibility which in this case was due to the act of the United States in cutting the cable and the refusal to reestablish telegraphic communication between Manila and the Asiatic Continent, notwithstanding the demand of the Spanish Government.

The circumstance, referred to in the American note, that in the previous Spanish communications there was no reference made to the nullity of the capitulation of Manila is but another proof of the conviction which the Spanish Government has always held upon this matter (since learning that the capitulation took place after the signing), and which it never even questioned, even deeming it unnecessary and inappropriate to refer to it so long as it was unaware of certain definite acts of the American military authorities at Manila.

The Government of His Catholic Majesty can not accept the opinion set forth by the United States Government that it is of no importance whether the occupation of Manila was considered as originating from the capitulation or from the protocol, assuming that the powers of military occupation were the same in both cases.

The Government of His Catholic Majesty, on the contrary, deems that the situation of right is completely distinct in the two cases. If the capitulation were valid and legal the United States would have all the rights which its conditions concede them, and if the contrary they could exercise a military occupation of the city, bay, and port of Manila only, under Article III of the protocol preliminary to conclusion of the treaty of peace—an occupation which does not in any manner signify renunciation of sovereignty by Spain, it being evident that the United States could not exercise over the territory occupied by its military forces other jurisdiction than that indispensable for maintaining public order, the Spanish laws, existing

official organizations, and regulations remaining in force until the treaty of peace provides the control, disposition, and government of those islands.

The Government of His Majesty can not do less than repeat the assertions set forth in its note of the 7th instant regarding this point, and in respect to the conservation of the present economic and fiscal régime of Manila; confiding that the custom-house collections pledged to obligations legally contracted will not be diverted to other objects.

Unfortunately the advices received by the Government of which I have the honor of forming a part, regarding the situation of the Spanish prisoners in the power of the Tagalo rebels, are not in conformity with the information of the Department of State to which the telegram of Mr. Cambon refers. Far from being well treated, many of these prisoners are the object of the most barbarous and cruel treatment from some of the native leaders, and their condition is each day more terrible (a matter of public notoriety from statements in the American press) and can not but wound the humanitarian sentiments of all enlightened people.

The official relations existing between the American admiral and commanding general and the rebel Tagalos, and the fact that the prisoners are in territory, at least in part, where United States troops exercise their authority and that some were delivered to the native insurgents by Admiral Dewey, makes the United States to a certain extent responsible (as I have said in former notes) for the acts of these rebels contrary to Christian morals and to the most elementary principles of the law of nations; therefore the Government of Spain appeals again to the Government of the Union that it put in practice measures to terminate the sufferings of so many unfortunates, among whom are found women and children and defenseless clergymen.

The advices communicated to Admiral Dewey and transmitted in the telegram of Mr. Cambon, sent from Paris the 9th of September, regarding the situation of the families of the officers of the garrison of the Marianas remaining there, abandoned without resources, do not seem to be confirmed. The Government of His Majesty expects that the United States will give opportune orders to have said families taken where the military prisoners are or sent to Spain, thus bringing to an end a state of affairs the gravity of which can not be concealed.

Persistent rumors have reached Madrid that the American Government is fitting out several expeditions of troops, and has decided to send various men-of-war to Manila during the suspension of hostilities, stopping at Hawaii in order to be ready to proceed at the

first notice. As these acts would be an open violation of the stipulation of the protocol, the Government of His Majesty is not able to credit such rumors, and, above all, after the declaration of the Secretary of State transmitted in the already indicated telegram of September 9, in which, with reference to the announcement of the sending of Spanish troops to the Philippines, he says that it is expected that each one of the Governments will abstain from acts that, being inconsistent with the suspension of hostilities, might necessitate the adoption of corresponding measures of precaution by the other Government.

The Cabinet of Madrid desires, nevertheless, to obtain from the United States a disavowal of these rumors, which, although each day more insistent, it can not but consider untrue.

At the moment when the Government of the United States answered the observations of His Majesty regarding the vessels armed by the rebels, which can only be looked upon as pirates, reports came of the arrival at the Visayas Islands of three of these vessels, which were destroyed by the Spanish naval forces. It is evident to the Government of His Majesty that various rebel vessels navigate those seas for the purpose of encouraging the natives to rebellion against the legitimate sovereignty of Spain.

It is to be regretted that the refusal of the United States to permit Spain to make use of the forces which remain inactive in Manila for the purpose of imposing order and protecting the lives and property of Spaniards and foreigners, whether in that part of Luzon not occupied by the Americans or in any other of the numerous islands constituting that vast archipelago, may have contributed to the extension of the rebellion in the dominion of Spain by enabling the insurgents to utilize the suspension of hostilities for the prosecution of their ends.

The Government of His Majesty considers it its duty to set forth these incidents in order not to lessen the responsibility which may result from this act of the Government of the United States.

I beg your honor to transmit to the Minister for Foreign Affairs of the Republic of France and to its ambassador in Washington the gratitude of the Government of His Majesty for the good offices which, with such friendly solicitude, are being extended to Spain, and to ask their pardon for this fresh molestation. I have confidence also that your excellency will pardon the trouble, and, thanking you for your intelligent and efficient cooperation, I avail, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 131.

The Chargé d'Affaires of France in Madrid to the Minister of State.

[Translation.]

MADRID, September 30, 1898.

DUKE: Under date of the 28th of this month your excellency was pleased to direct to me a note which contains the statements and reserves suggested to the Government of His Majesty after an examination of the reply of the Federal Government to your former note of September 7.

I have the honor to acknowledge the receipt of this document. Complying with your wish, I have hastened to transmit the extract inclosed with it, as well as the complete text.

Receive, etc.,

J. B. PASTEUR.

No. 132.

Telegram from the Minister for Foreign Affairs of France, delivered in person by the Chargé d'Affaires of France in Madrid.

[Translation.]

PARIS, September 30, 1898.

Our ambassador in Washington telegraphs as follows:

Admiral Dewey has just telegraphed that he has seized at Batangas an American steamer from Macao with a cargo of war supplies destined for the insurgents. The Government has approved the conduct of the Admiral. Two delegates have arrived in Washington from Aguinaldo requesting the Federal Government to admit them to the Paris conference, or at least to permit them to be heard there.

No. 133.

Telegram from the Governor-General of Cuba to the Minister of the Colonies, handed to the Minister of State.

[Translation.]

HABANA (without date).

MADRID, October 7, 1898.

The president of our commission has just received from the American commission a communication saying that after yesterday's session instructions were received from their Government that they insist absolutely upon the attitude they have adopted regarding various matters which are being settled, maintaining and reiterating the following:

First. According to the protocol of peace, the abandonment of the sovereignty in Cuba is a condition precedent to the negotiation and termination in Paris of a treaty of peace.

Second. According to said protocol it is consequently necessary to make the date in Article IV effective for the execution of this protocol—that is, August 12. The word “evacuate,” as used in the protocol, is not limited to a military evacuation. To evacuate immediately means at once to abandon possession of the country, retiring from it not only the military authorities of Spain, but also the Government authorities.

Third. They insist that December 1 be the date for terminating the evacuation of Cuba and vicinity. They attempt also to hold all the heavy artillery mounted in the forts and coast batteries, but regarding this point discussion has not been raised.

They present the above three conditions definitely, after having cognizance of our arguments in opposition and receiving instructions regarding them from Washington. I thought it best to give your excellency an account of this without loss of time for the information and decision of the Government of His Majesty.

BLANCO.

No. 134.

The Minister of State to the Chargé d’Affaires of France at Madrid.

[Translation.]

PALACE, October 8, 1898.

MY DEAR SIR: The Governor-General of Cuba telegraphs to the Minister of the Colonies, under date of yesterday, stating that the president of the Spanish commission of evacuation had just received from the American commission a communication saying that according to the instructions from their Government they had to insist upon the three following points:

First. That according to the protocol the abandonment of the sovereignty of Spain is a question precedent to the negotiation and termination of a treaty of peace.

Second. That according to the provision of the protocol, the evacuation should be immediate and signifies the total abandonment of the country, retiring not only the military authorities, but also those of the Government.

Third. That the 1st of December should terminate the evacuation of Cuba and adjacent islands.

In view of the positive character of these conclusions, with which the Government of His Majesty is not entirely able to conform, I

have recourse anew to your courtesy in order that, by the medium of your Government and of your worthy representative in Washington, you will please have sent as soon as possible, and by telegraph, to the Government of the United States, in the name of the Government of Spain, the following considerations regarding this matter, which it deems of strict justice:

The Government of His Majesty considers that Articles I and IV of the protocol of August 12 are connected with Article V, which treats of the conclusion of a treaty of peace now under negotiation in Paris, and therefore that the evacuation of the island of Cuba before the signing of said treaty of peace can not have the judicial value of an *abandonment of sovereignty*. This can not occur until the treaty of peace has been approved in the phraseology of said protocol "according to the respective constitutional forms of the two countries." This, and no other, was the motive for stipulating in the protocol the renunciation of sovereignty on the part of Spain in Cuba and territorial concessions by way of war indemnification, using the verb in the future tense. It is not possible to confuse the material evacuation set forth in Article IV with the transfer of sovereignty. This definite act only could take place after the exchange of the ratification of the treaty of peace. It clearly follows that the replacing of American troops for the Spanish troops does not cause the sovereign power of Spain to cease, and that the Spanish authorities should continue in power, in the judicial and administrative departments, after the evacuation, so long as other sovereign authority does not exist by ratification of the treaty of peace, with full power to enact laws and appoint officers to execute its provisions.

Moreover, even supposing the immediate renunciation of sovereignty, simultaneous with the evacuation, it would be Spain's right to know in whose favor the renunciation is made and what guarantees are given by her successor in regard to the security of Spanish interests in Cuba, which can not be left to the will of an unknown entity without grave risks, for which Spain might appear responsible.

In regard to the date of the evacuation, the Government of His Majesty, far from opposing difficulties to the departure of the troops from Cuba, desires that it be accomplished as soon as possible, and for this purpose will seek the means for their transportation and prepare for their reception in the Peninsula. It is not possible, however, to accept the date of December 1, because notwithstanding the earnest desire of the Government of His Majesty to accelerate the evacuation it has not at its command the enormous fleet necessary to carry this out in such a short time. The Government will hasten the evacuation in every way, and, as it coincides in its

desires with those of the United States, trusts that a reasonable term will be conceded in which to effect the evacuation under terms consonant with human efforts. Recommending earnestly the urgency of transmitting to the Washington Cabinet the views here expressed, and at the same time asking a prompt reply, it gives me pleasure to reiterate to you, with the gratitude of the Government of His Majesty, the assurance of my distinguished consideration.

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 135.

Telegram from the Minister for Foreign Affairs of France, delivered in person by the Chargé d'Affaires of France at Madrid.

[Translation.]

PARIS, October 14, 1898.

Our representative in Washington informs me that the two delegates of Aguinaldo were received by the President of the Republic simply as foreigners, and their petition to join the American commission has not been admitted. They leave for Paris, where they will be, without doubt, heard with equal consideration as all those having interests in the Philippines, but without having been influenced to the journey by the Federal Government, from which they have received no commission.

No. 136.

Telegram from the Chargé d'Affaires of France at Washinton, delivered in person by the French Chargé d'Affaires at Madrid.

[Translation.]

WASHINGTON, October 10, 1898.

The Government of the United States begs me to inform the Madrid Government that in place of the two steamships sent to Porto Rico there will be needed at least four transports to complete the repatriation of the Spanish troops.

The Federal Government desires that the Spanish Government provide these vessels as soon as possible, so as to terminate the evacuation without delay.

No. 137.

Telegram of the Minister for Foreign Affairs of France, delivered in person by the Chargé d'Affaires of France at Madrid.

[Translation.]

PARIS, *October 15, 1898.*

The representative of France in Washington telegraphs me as follows:

Mr. Hay has informed me that he is not able at present to give his opinion regarding the point of law touched upon by the Minister of State in his note of October 8 regarding the scope of the distinction made between *evacuation* and *abandonment* of sovereignty, which I transmitted to him this morning. Nevertheless, he said to me that, *a priori*, this double status (at the conclusion of a treaty of peace) seemed to him to signify in practice that the American authorities, substituting all the Spanish authorities, would administer Cuba by commissioners (in trust) until the question is decided as to who will succeed Spain in the sovereignty of the island. The Secretary of State added that this was, on the other hand, only a personal view, and that he would not be able to answer officially the note of the Spanish Government for ten days, or until the return of the President from his western journey.

No. 138.

The Minister of State to the Ambassador of France.

[Translation.]

PALACE, *October 28, 1898.*

EXCELLENCY: In addition to the note I had the honor of addressing to your embassy the 8th instant, permit me to have recourse again to the courtesy of your excellency to the end that by the friendly medium of your Government and of your worthy representative in Washington you will present to the Government of the United States the following views regarding the term set for the evacuation of Cuba:

In spite of the circumstances shown and the arguments set forth by the Spanish commission of evacuation, acting in Habana under the protocol of last August, they have not succeeded in obtaining from the American commission an extension of the definite period for evacuation beyond the 1st of January next. This term is absolutely insufficient, however much the operations of repatriation may be hastened.

There remain yet in Cuba more than 130,000 persons whom it is necessary to transport to Spain, and among them are 20,000 sick, whom humanity requires to be transported with some degree of comfort. The Government of His Majesty has busied itself seeking foreign vessels which could aid Spanish vessels in this service, but

its efforts up to this time have not been successful, on account of the demand for three times the amount ordinarily paid. It is not possible under these conditions to hasten the repatriation more than has been done, nor is it possible to demand of the treasury a sacrifice greater than is now being made.

The Government has no interest in retarding the evacuation of Cuba; on the contrary, it is to its interest, for many reasons, to bring it to a conclusion as soon as possible, and a good guaranty of the honesty of its course is the rapidity with which it has proceeded in Porto Rico.

From interest, from convenience, and in the faithful compliance of the agreement, the evacuation of Cuba will be effected with all possible haste. The sick will be removed first, afterwards the rest of the army, and finally the civil employees. The Government of His Majesty promises to forward the repatriation zealously, but it can not accept the brief term fixed, because it does not allow sufficient time. In two months there are no means obtainable for sending back the army and Spanish functionaries yet in Cuba, having in mind that each vessel requires forty days for the round trip.

The Government of His Majesty urges the Government of the French Republic to present these considerations to the Cabinet of Washington, obtaining from it a reasonable extension of the term fixed, which is absolutely insufficient. Anticipating our thanks for the new and signal favor which Spain will receive on this occasion from the efficient and friendly efforts of the French Republic, I am pleased to repeat, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 139.

The Ambassador of France to the Minister of State.

[Translation.]

MADRID, *November 3, 1898.*

DUKE: Our chargé d'affaires in Washington, who hastened to place before the American Government the notes of September 28 and October 8, whose transmission your excellency intrusted to him, has just communicated to the Minister for Foreign Affairs the replies he has received from the Department of State. Inclosed your excellency will find a summary of the same, following the telegraphic extract which has been sent me. Later I shall have the honor of sending to your excellency the complete text.

I improve this occasion for acknowledging receipt of your note of October 28 informing me that the Government of His Majesty is

unable to conclude the repatriation of the troops from Cuba before the 1st of next January, and expressing the desire that efforts be made through the medium of our representative in Washington for the purpose of obtaining an extension of the term conceded by the Government of the United States. This last communication was immediately transmitted to the Minister for Foreign Affairs of the Republic.

Receive, etc.,

PATENÔTRE.

[Inclosure A.—Translation.]

Résumé of the reply of the Federal Government to the note of the Cabinet of Madrid dated September 28, 1898.

First. The Federal Government is not able to accept the interpretation placed by the Government of Spain upon the effect of the protocol of August 12 upon the military situation at Manila.

Second. The President of the United States has ordered the American authorities in the Philippines to prevent wherever possible the maltreatment by the insurgents of Spanish prisoners.

Third. The American men-of-war which it is said have been dispatched to Manila are actually under orders to visit the Brazil coast and afterwards to proceed to Hawaii.

[Inclosure B.—Translation.]

Résumé of the reply of the Federal Government to the note of the Madrid Cabinet dated October 8.

First. The Federal Government is not able to accept the conclusions of the Government of His Majesty in regard to the relinquishment of sovereignty by Spain over Cuba, but considers that it is not necessary to discuss now this question, as it is one of those under discussion by the Peace Commission in Paris.

Second. In regard to the material difficulty in the way of the repatriation of the Spanish troops, the term fixed for the evacuation has been extended from December 1 to January 1, 1899.

No. 140.

The Ambassador of France at Madrid to the Minister of State.

[Translation.]

MADRID, November 13, 1898.

DUKE: Our representative in Washington, who, conforming to the desires expressed in the letter of your excellency dated October 28, hastened to confer with the American Government for a new extension of the time fixed for the evacuation of Cuba, has just

communicated through the Minister for Foreign Affairs the reply he has received from the White House. I regret to advise your excellency that this reply is not favorable.

The note sent to Mr. Thiébaud is couched in the following terms:

The President of the United States, having extended the date of the evacuation of Cuba until the 1st of January, considers it impossible to concede more time. In view of the exigencies of the situation in the island, he has ordered the American officials of the expeditionary corps to take possession in anticipation of the evacuation (as need may arise) of the places whose occupation may be necessary to the military administration of affairs.

Receive, etc.,

PATENÔTRE.

No. 141.

The Minister of State to the Ambassador of France at Madrid.

[Translation.]

PALACE, *November 15, 1898.*

EXCELLENCY: I have the honor of advising your excellency that I have received your esteemed note of the 13th instant, which incloses the reply given by the American Government to the representative of France in Washington to the desire expressed by the Government of His Majesty for obtaining an extension of the time fixed for the evacuation of Cuba by the Spanish troops.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 142.

The Ambassador of France to the Minister of State.

[Translation.]

MADRID, *November 24, 1898.*

DUKE: Supplementing my communications of the 3d and 13th of November, I have the honor of transmitting to your excellency the translation of the two notes directed by the Department of State to our representative in Washington in reply to various observations formulated in the name of the Spanish Government. These notes, whose telegraphic extracts are already in the possession of your excellency, refer to the interpretation of the protocol of August 12 and the repatriation of the army in Cuba.

I improve, etc.,

PATENÔTRE.

[Inclosures: Printed in Foreign Relations, 1898, pp. 817 and 818.]

No. 143.

The Minister of State to the Ambassador of France at Madrid.

[Translation.]

PALACE, *November 28, 1898.*

EXCELLENCY: I have the honor of informing your excellency, begging you to kindly make it known to the Washington Government through the customary channel of the representative of France in that capital, that by decree of this date there has been nominated as president of the commission of evacuation of the island of Cuba, Lieut. Gen. Don Adolfo Jiménez Castellanos, who relieves the general of division, Don Julian Gonzales Parrado, who returns to the Peninsula on account of his health.

I improve, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 144.

The Ambassador of France at Madrid to the Minister of State.

[Translation.]

MADRID, *November 29, 1898.*

I have the honor to acknowledge receipt of the note of the 28th instant, in which you communicate to me the appointment of Lieut. Gen. Jiménez Castellanos as president of the commission of evacuation of the island of Cuba, begging me to communicate this announcement to the American Government through our representative in Washington.

I have to-day communicated the same to the Minister for Foreign Affairs, informing him of the desire expressed by your excellency.

Accept, etc.,

PATENÔTRE.

APPENDIX.

THE CAPTURE OF VESSELS.

No. 145.

The Ambassador of France in Madrid to the Minister of State.

[Translation.]

MADRID, *December 23, 1898.*

DUKE: As the Government of His Majesty is aware, in view of the observations made by Mr. Jules Cambon, of which Mr. León y Castillo was advised, the protest you had asked us to present to the Federal Government against the illegality of the capture of the Spanish steamship *Guido* was delayed in presentation for the time being. Our representative in Washington having in the meantime received documents justifying support of the first demand, and considering that it was by all means imperative to make good the rights of the captured vessel, sent the papers to the Department of State, and inclosed I have the honor of sending your excellency copy of the reply directed to Mr. Thiébaud in relation to this matter.

It will be observed that the immunities guaranteed by the President's proclamation of April 26, which those interested thought able to appeal to, do not apply to the case of the *Guido*. The same conclusions, it seems, should apply to the claims formulated by the captains of the Spanish sailing vessels *Frasquito*, *Carlos Roses*, and *Lorenzo*, whose capture was the object of an analogous protest presented through our ambassador in Washington. The American jurisprudence relative to this question may be briefly stated as follows:

First. The capture of vessels of the enemy upon the high seas commences from the declaration of war.

Second. The only restrictions in the exercise of this right are those set forth in the Presidential proclamation of April 26.

Third. Only those Spanish vessels which were found at the date of the declaration of war "in American ports," or which had sailed from a foreign port before this date bound for "an American port," enjoy the benefit of these restrictions.

The capture of Spanish vessels dispatched before April 21, but bound for Cuban ports, is considered in consequence legal by the

American prize court. It will be foreseen that under these circumstances new efforts on the part of the claimants would inevitably be without result, and would involve useless expenditure. Lamenting not being able to transmit to your excellency more favorable decisions, I have the honor, Duke, of reiterating to you the assurance of my very high consideration.

Dios, etc.,

PATENÔTRE.

[Inclosure.—Translation.]

DEPARTMENT OF STATE,
Washington, November 23, 1898.

MR. EUGENE THIÉBAUT,

Etc., Etc., Etc.

SIR: Referring to your note of the 18th ultimo, and to mine of the 7th and 11th instant, relative to the seizure of the Spanish steamer *Guido* by this Government as a prize of war, I have the honor to inform you that I am in receipt of a letter from the Attorney-General, dated the 17th instant, on the subject, in which he says:

"I am informed by the United States attorney for the southern district of Florida that the point relied upon by the claimants in the correspondence submitted—namely, that the consequences of war are not legally applicable to persons who sail before war was declared—was presented to the court in elaborate form in the oral arguments made by counsel who represented the claimants. These arguments will, no doubt, be earnestly renewed when the case of the *Guido* is heard before the Supreme Court. It is, however, part of the established law of nations that when two powers are at war they have the right to make prize of ships, goods, and effects of each other upon the high seas, and that this right of capture includes not only government property, but also private property of citizens and subjects of belligerent powers. This right attaches immediately upon the declaration of war. The rule is in full force in the United States, except in so far as modified by the President's proclamation of April 26, and there is nothing in that proclamation which relieves the *Guido* and such parts of her cargo as belong to Spanish subjects from confiscation.

"I am therefore unable to perceive that it would be proper or indeed possible to reopen this subject before the prize court, or to submit thereto the questions arising upon these various documents and claims. They would all be heard in due course upon argument of the appeal in the Supreme Court."

Accept, etc.,

JOHN HAY.

CABLE SERVICE.

No. 146.

The Minister of His Majesty in Santa Fé de Bogotá to the Minister of State.

[Translation.]

BOGOTÁ, *October 28, 1898.*

MY DEAR SIR: On September 4 I received royal order No. 36, of July 5, communicating copy of the note your excellency was pleased

to direct under the same date to the minister plenipotentiary of Colombia in Madrid, relative to the interruption in Colon and Panama of cipher telegrams directed to Mexico from Cuba, Porto Rico, or the Peninsula.

I immediately directed a cipher telegram to the Spanish consul in Panama, asking information by telegraph and post regarding the matter, and addressed a note to the Colombian Minister for Foreign Affairs in which, after acquainting him with what had happened to various telegrams directed to the above points, I begged him to let me know as soon as possible the steps the Government of the Republic had taken to prevent a repetition of the grave abuses denounced. To the note dated October 14 which the Minister for Foreign Affairs directed to me, informing me what the Government of this Republic has done in the matter (see Inclosure No. 1), I did not reply until yesterday (as your excellency will see by the Inclosure No. 2), for I awaited information by post which the consul at Panama sent me the 2d instant, he not having understood the cipher telegram which, as I had the honor of stating to your excellency, I promptly sent him.

The consul informed me that in the early part of last June the office of the English Cable Company in Panama received a cablegram from His Excellency the Governor-General of Cuba, directed to our minister in Mexico. This message was transferred by the office of the English Cable Company to that of the American Cable Company, who refused to transmit it to its destination on the grounds that under the contract it has with the Colombian Government it was only obliged to transmit to all ports telegrams, official as well as private, originating in Colombian territory, but not those from other countries received in transit. I will state to your excellency here that, on examining in the Official Gazette the decree granting permission to establish the cable under discussion, I have not seen any clause providing such a condition.

The consul in Panama communicated to His Excellency the Governor-General of Cuba the foregoing, in view of which telegrams were directed to him and transmitted by him, as his own, to the minister of Spain in Mexico.

The consul at Panama, having looked into the matter at the time he received my communication charging him to inform me regarding these matters, states that he was told that all telegrams received in June and July proceeding from Jamaica, Barbados, Trinidad, Cuba, and Porto Rico were refused transmission by the North American company, notwithstanding that many of these were from private persons and were commercial messages. The office of the English company told the consul that in the same month there were

received cablegrams from Madrid from the Spanish Government to the minister in Mexico, and upon these being transferred to the North American company's office they were transmitted without any remarks. The consul in Panama has not stated to me, and I am not able to lay before your excellency, the cause which determined in each case the inconsistent conduct of the American company.

* * * * *

As soon as I receive the answer which the Minister for Foreign Affairs may have the kindness to give to my note of yesterday, I will hasten to place it in the hands of your excellency, expecting meantime that my action in this matter will meet your approbation.

Dios, etc.,

A. DE LA BARRE.

[Inclosure No. 1.—Translation.]

*The Minister for Foreign Affairs of Colombia to the Minister Plenipotentiary of Spain,
etc., etc., etc.*

BOGOTÁ, October 4, 1898.

In reply to the note informing the Ministry of the Government of the contents of the esteemed communication of your excellency of September 7 last, regarding the interruption in Panama or Colon of cipher telegrams directed to Mexico from Cuba, Porto Rico, or Spain, my honorable colleague of that office informs me that:

“Answering the courteous dispatch of your office dated the 15th of the past month, No. 9591, section 1, I have the honor of transmitting to your excellency the following telegrams connected with the matter discussed by the minister of Spain:

“‘BUENAVENTURA, April 26, 1898.

“‘DIRECTOR-GENERAL AND TELEGRAPHERS OF THE REPUBLIC:

“‘Dispatches for Cuba in cipher are not admissible via Galveston, and are subject to the censorship which the American Government has established. It is possible to send also via Antilles, but under the same conditions, with the difference that the censorship is by the Spanish Government. The tariff by this route costs 4,84 each word.

“‘You should give close attention to this.

“‘MOFLA, *Telegrapher.*’

“‘BUENAVENTURA, September 10, 1898.

“‘DIRECTOR-GENERAL AND TELEGRAPHERS OF THE REPUBLIC:

“‘The cable station advises that they can accept dispatches for the whole of the island of Cuba at the risk of the sender.

“‘Your servant,

“‘MOFLA, *Telegrapher.*’

“This Ministry thinks that the fact that a cable touches in the territory of the Republic which is under the exclusive direction and belongs to an American company, as is this of Galveston, does not authorize the Government of Colombia to prevent said company from complying with the dispositions of the American Government, especially as regards an international war; the more so that the Government

of Spain, as is shown by the contents of the first of the telegrams above transcribed, has adopted respecting those dispatches transmitted via the Antilles similar dispositions to those of the American Government regarding the censorship."

I improve, etc.,

FILIFE F. PAUL.

[Inclosure No. 2.—Translation.]

The Minister Plenipotentiary of Spain to His Excellency Don Filife F. Paul, Minister for Foreign Affairs of the Republic of Colombia, etc., etc., etc.

BOGOTÁ, October 27, 1898.

MR. MINISTER: I had the honor of receiving in due time the esteemed note of your excellency of the 4th instant, in which, in reply to mine of September 7 last, relative to the interception in Panama or Colon of cipher telegrams directed to Mexico from Cuba, Porto Rico, or Spain, you are pleased to transcribe to me what the Minister of the Government states respecting the matter, in view of the information which was asked from him by your excellency.

Without doubting for a moment the good faith with which the Government of the Republic of Colombia has observed the strict neutrality imposed upon it on account of the war between Spain and the United States, I consider untenable the argument of the Minister of the Government—that is, "The fact that a cable touches in the territory of the Republic which is under the exclusive direction and belongs to an American company, as is this of Galveston, does not authorize the Government of Colombia to prevent said company from complying with the dispositions of the American Government, especially as regards an international war; the more so that the Government of Spain, as is shown by the contents of the first of the telegrams above transcribed, has adopted respecting those dispatches transmitted via the Antilles similar dispositions to those of the American Government regarding the censorship."

It must be clear to the intelligent understanding of your excellency that the cited argument of the Minister of the Government seems to exempt from the jurisdiction of the Republic of Colombia and from compliance to its laws foreigners residing in its territory, and, putting aside other considerations, permit me to refer to what Calvo says in his International Law, 735, page 369, regarding the "violation of neutrality obligations:"

"The failure to repress the acts of its citizens, or of strangers residing in its territories, can be the cause of a nation losing its neutral position." It being understood, as the author further sets forth, that "in order for this violation to exist a real and effective act is not necessary, but it is sufficient when there is shown an *exclusive tendency favorable to either of the combatants.*"

In the case of which we treat, it can not be denied that the cable company intercepting cablegrams directed to Mexico from Cuba, Porto Rico, or the Peninsula showed an *exclusive tendency favorable to the United States*, of which the above paragraph speaks, and was lacking in the duties of neutrality which a residence in a country declaring itself neutral to the conflict imposes, and that by its acts of partiality it is in a position to lose its neutral standing.

If by what is set forth I can not accept as sound the first part of the argument sustained by the Minister of the Government, neither can I admit the right of censorship which the second part of said argument seems to concede to the cable company.

The submarine lines which unite Colon and Panama with Galveston communicate also with Mexico by Central America, without passing through the United States, while the lines of the Antillas leaving Colon touch in Jamaica and Cuba before terminating at Key West.

The Government of the United States has no rights, therefore, in any manner respecting the former cables in the section between Mexico and Colombia, but only the Governments of these Republics have the right to exercise censorship toward Spain in their dominions with cablegrams proceeding from Cuba or destined for that island.

But aside from the aspect of the question already considered, that set forth by the Minister will be found in conflict with what he himself states in his report to the constitutional congress of 1892.

In this work (with reference to the cables of the Atlantic—page 200—and in the paragraph which treats of the concession by decree No. 458, of June 18, 1880, to the "Central and South American Cable Company" for the establishment of a cable, that leaving the "west coast" of the Isthmus of Panama, may be directed to the coasts of any of the republics of Central America, there to connect with other telegraphs of the United States by the way of Mexico) is stated, among other things, the following:

"In the same decree is recognized the public utility of this enterprise, and it is exempt from all classes of imposts and national taxes and of taxes of the States, and it is stipulated that *in cases of foreign or internal wars the agents of the company will operate under the supervision of the political authorities of the United States of Colombia*, and the latter will adapt themselves to the dispositions which the National Executive power may dictate, according to the precepts of the common law of nations."

And further on the same report adds:

"The 28th of December of the same year (1880) by decree 960 the Executive power, on petition of the company, extended the decree of June 18 conceding permission to the 'Central and South American Cable Company' (under conditions exactly equivalent to those established in the decree last cited) for establishing a submarine cable which would start from the 'east coast' of the State of Panama and follow the same direction indicated in the referred-to decree No. 458 of 1880."

These two lines—the one which starts from the "west coast" and the other that is landed on the "east coast" of the Isthmus of Panama—are, as your excellency knows, the ones called the *Galveston lines*.

On the other hand, by the decree No. 876 of 1881 is recognized the transfer to the "Central and South American Cable Company" of the rights conceded to the original company of Fralick & Murphy, grantees (concessioners) of the cable from Panama to Callao, "*stipulating that the former remained subject to all the obligations to which was subjected the Fralick & Murphy concession*." Stating among them (Article VI of the contract signed August 25, 1879, between Don Pablo Arosemena, minister plenipotentiary of Colombia in Peru, and Eulagio Delgado, in the name of the house of Fralick, Murphy & Co., of New York) that the cable *is declared neutral* and that *in case of foreign war the agents of the company will operate subject to the supervision of the local authorities*, and the not less important Article X of the above-mentioned contract, which says that *the company engages to make the telegraphic service conformable to the laws and regulations of the country, and to its international conventions*."

I hope, Mr. Minister, that an examination of this matter, in view of the data presented in the present note, will cause your excellency to clearly see the grounds for the complaints formulated by my Government against the conduct of the employees in Panama and Colon of the Galveston Cable Company. I do not hesitate to affirm to your excellency that my Government regrets extremely the necessity of communicating these complaints to the Government of the Republic of Colombia, for whom it has profound regard and sincere and cordial friendship.

I improve, etc.,

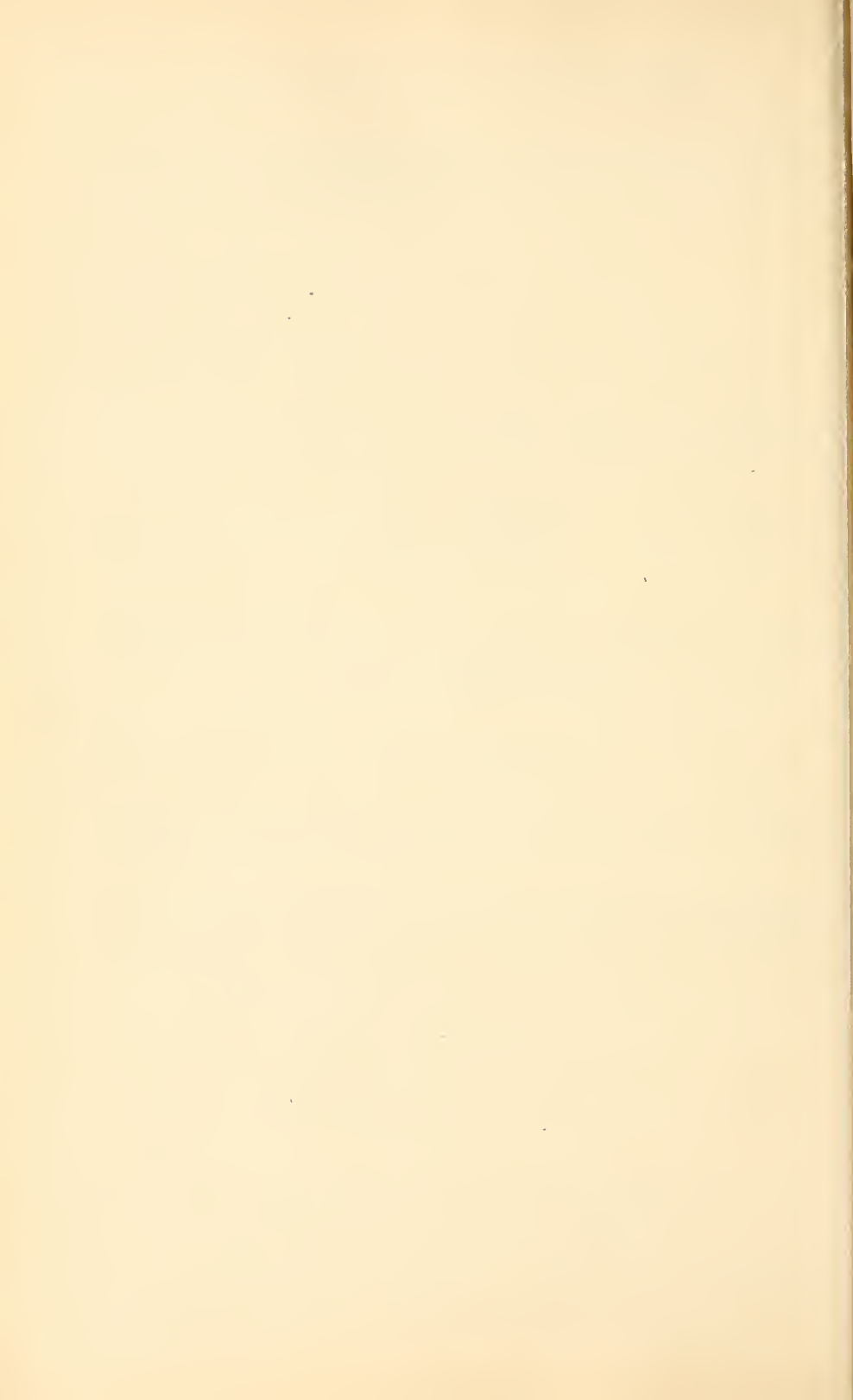
A. DE LA BARRE.

PART III.

THE CONFERENCE AT PARIS AND THE TREATY OF PEACE
OF DECEMBER 10, 1898.

TRANSLATION.

(Documents presented to the Cortes in the Legislature of 1898 by the Minister of State.)



THE PEACE CONFERENCE AT PARIS.

No. 1.

The Chargé d'Affaires of France to the Minister of State.

[Translation.]

MADRID, September 11, 1898.

DUKE: Mr. Delcassé has informed me that the Government of the Republic will place at the disposition of the Spanish-American Commission, if it is so desired, one of the salons of the Ministry for Foreign Affairs, in which their sessions can be held.

On having the honor of stating to your excellency the foregoing, I avail, etc.,

J. B. PASTEUR.

No. 2.

The Minister of State to the Chargé d'Affaires of France.

[Translation.]

MADRID, September 13, 1898.

MY DEAR SIR: I had the honor to receive the polite note of your embassy of the 11th instant, by which you were pleased to inform me of the offer of the French Government to place one of the salons of the Ministry for Foreign Affairs at the disposition of the Spanish-American Commission, for which amiable offer I tender to your excellency the profoundest thanks.

I avail, etc.,

THE DUKE OF ADMODÓVAR DEL RÍO.

No. 3.

The Chargé d'Affaires of France to the Minister of State.

[Translation.]

MADRID, September 14, 1898.

MY DEAR SIR: By order of my Government, I hasten to inform your excellency that the Government of the United States, under date of August 28, has officially notified Mr. Cambon of the names of the American Peace Commissioners. They are:

Mr. Day; Senators Davis and Fry; Mr. Reid, who was formerly minister of the United States in Paris. Mr. White, who was selected, has been replaced by Senator Gray, a member of the Committee on Foreign Relations of the Senate.

Mr. Delcassé adds that the Government of the United States has expressed to Mr. Cambon the desire to know the names of the Spanish Commissioners.

I avail, etc.,

J. B. PASTEUR.

No. 4.

The Minister of State to the French Chargé d'Affaires.

[Translation.]

MADRID, September 17, 1898.

MY DEAR SIR: Inclosed I have the honor of placing in the hands of your excellency the royal decree of this date which His Majesty the King, and in his name the Queen Regent of the Kingdom, has been pleased to promulgate, naming the plenipotentiaries who, with those designated by the President of the United States, are to conduct and conclude in Paris a treaty of peace between Spain and that Republic.

I avail, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

[Inclosure.—Translation.]

The royal decree of the Presidency of the Council of Ministers.

In compliance with the agreement in article 5 of the protocol signed in Washington the 12th of August by my plenipotentiary and that of the United States of America, with the unanimous advice of my Council of Ministers:

In the name of my august son, His Majesty the King, Don Alfonso XIII, and as Queen Regent of the Kingdom, I appoint as my plenipotentiaries to proceed, with those nominated for the same purpose by the President of the United States of America, to the negotiation and conclusion of a treaty of peace between Spain and the United States the following:

Don Eugenio Montero Ríos, President of the Senate and ex-Minister of the Crown; Don Buenaventura Abarzuza, ambassador and Minister of the Crown, who has been Senator of the Kingdom; Don José Garnica y Díaz, magistrate of the Supreme Tribunal of Justice and member of the Cortes; Don Wenceslao Ramírez de Villa-Urrutia, my representative extraordinary and minister plenipotentiary of the first class to His Majesty the King of the Belgians; and Don Rafael Cerero y Sáenz, general of division and commander in chief of engineers of the first corps of the army.

Done at the Palace this 16th day of September, 1898.

MARÍA CRISTINA.

The President of the Council of Ministers,

PRÁXEDES MATEO SAGASTA.

No. 5.

The French Chargé d'Affaires to the Minister of State.

[Translation.]

MADRID, *September 19, 1898.*

DUKE: Under date of the 17th of September your excellency was pleased to send me a copy of the royal decree in which are set forth the names of the plenipotentiaries empowered to negotiate and conclude a treaty of peace with the United States of America.

I remain very greatly under obligations to your excellency for sending this document, which I hasten to transmit to the Minister for Foreign Affairs.

Availing myself, etc.,

J. B. PASTEUR.

No. 6.

The President of the Council of Ministers to the Minister of State.

[Translation.]

MADRID, *September 22, 1898.*

EXCELLENCY: To-day I am communicating to His Excellency Don Eugenio Montero Ríos, President of the Senate, the following:

EXCELLENCY: His Majesty the King, and in his name the Queen Regent of the Kingdom, has thought it best to designate your excellency as president of the Commission of his plenipotentiaries who are to negotiate in Paris the treaty of peace with the United States.

This royal order I send to your excellency for your information and other purposes.

Dios, etc.,

P. SAGASTA.

No. 7.

The Minister of State to the Acting Captain-General of the Philippines.

[Telegram.—Translation.]

MADRID, *September 24, 1898.*

It is important to the Government to ascertain as to the certainty of the report that Spanish prisoners, both military and civil, taken by the Americans have been delivered to the insurgent forces.

ALMODÓVAR.

No. 8.

The Minister of State to the Ambassador of His Majesty in Paris.

[Translation.]

MADRID, *September 26, 1898.*

EXCELLENCY: His Majesty the King, and in his name the Queen Regent of the Kingdom, has been pleased to publish, under date of yesterday, the following royal decree:

Taking into consideration the eminent fitness of Don Emilio de Ojeda, my representative extraordinary and minister plenipotentiary in the Court of His Sheriffian Majesty:

In the name of my august son the King, Don Alfonso XIII, and as Queen Regent of the Kingdom:

I decree that, retaining his present office, he shall proceed to perform the functions of general secretary of the Spanish Commission charged to negotiate in Paris the treaty of peace between Spain and the United States of America.

Done in the Palace the 23d day of September, 1898.

MARÍA CRISTINA.

Attest:

The President of the Council of Ministers,
PRÁXEDES MATEO SAGASTA.

This royal order is sent to your excellency for your information and other purposes.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 9.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

MADRID, *September 29, 1898.*

The grave news received from Iloilo, according to a telegram whose contents follow, moves the Government to solicit of your excellency that you will please, on the meeting of the conference, immediately offer as a previous question this very important reference to the unhappy conditions created for this Government by the attitude of the Federal Government in the matter of sending Spanish forces to preserve order in the Visayas and in other parts of the Philippines outside Manila and its bay, already occupied by the Americans. It appears that after the submission of Aguinaldo to the American forces all the acts of hostility against Spain involve responsibilities for the Federal Government. Such responsibilities will be increased by not permitting us to employ the measures necessary to suppress the insurrection in those territories. You should therefore urgently request the Commissioners to inform their Government of the determination of Spain to protect her possessions, so

that the dispatch of troops to the Carolinas and other territories not occupied by the Americans may not tend to a rupture of the armistice.

Moreover, good faith demands that the Federal Government use all means to prevent the aggressions of the insurgents, because it would be absurd if, while peace was being negotiated in Paris, the Americans through passiveness, even if not by their aid, should encourage the insurrection in those territories and the horrible offenses against indefensible persons, as reported in the telegram of General Ríos.

The telegram of the captain-general of the Visayas of the 26th of September reads as follows:

It appears that Tagalos to the number of 1,500 have landed six pieces of artillery, and later various others, of whose number I am ignorant. Two parties disembarked at Pandang and Culasi de Antique—the first moving toward Capiz, the second toward the capital of Antique, raising a rebellion and now in control of the province. I immediately ordered concentration of the civil guard of Antique, which was carried out, except that 16 deserted to the enemy, killing the European sergeant and wounding the officer. I reenforced the capital with a company of infantry, and I am concentrating another force, bringing part of those operating in Capiz. Am trying to come to an engagement; first, in order to place Antique in a normal condition, and then moving with the whole force to Capiz, where it appears the insurgent parties are greatly increasing. I sent a vessel to Balabac and Pasaqua, with orders to bring a company of marines from there. I concentrated platoons of artillery at South Mindanao, so as to concentrate 250 Europeans, thus more surely preserving the loyalty of the native troops by mixing them with the Europeans, as was done on critical occasions in Luzon. The forces gathered were very small for the necessity. I organized also two companies of Moros and volunteers of Zamboanga. I assure your excellency I will actively increase the forces, to avoid the spread of the insurrection over all Panay, in which case I should be obliged to defend myself in the capitals of provinces. Vessels returning from Camarines say that this province is in the hands of the rebels. Colonial governor prisoner. Insurgents killed captain and lieutenant of the civil guard, their wives, and seven children. No news from governor and colony of Albay. To-day two officers, four divisions, guns, and cartridges sail from here for Manila. Governor and colony of Sorsogón embark in another vessel for Manila. I have relieved Colonel Oliver, governor of Leyte, at his request, the province being in insurrection, and knowing that the insurgents are making great efforts to invade it so as to get possession of his person, as he was the judge in the Rizal case. I beg your excellency to authorize him to return to the Peninsula. In the meanwhile, Marchani will be in charge of the government. In Samar several small parties were repulsed in landing, 19 rebels being killed.

According to advices of General Jádenes, in the Carolinas, 300 men hold out. I beg your excellency to send supplies and orders by steamer. I will try to supply them for two months. Macario, the leader of the insurrection in Capiz, assassinated by his party—an important act, of which I will try to get information in spite of the present bad situation. Operations in Concepcion and Sierra Capiz since my last dispatch; system of ambushades followed with good results. More than two hundred enemies dead to one of ours and eleven wounded. No news from rest of territory.

Ríos.

ALMODÓVAR.

No. 10.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

MADRID, September 30, 1898.

In continuation, I send your excellency copy of answer of General Jáudenes to inquiries of mine (according to the understanding with your excellency) as to the manner Americans treat our troops taken prisoners, delivering them to the insurgents, for which reason they acquire responsibilities for the sufferings undergone by such Spanish soldiers.

Here is the text of the telegram referred to:

General Marina states that prisoners made by the American cruiser *Raleigh* are in the power of the insurgents, and, having asked Admiral Dewey to bring them to Manila, he replied that circumstances would not permit him to accede, the prisoners being in the hands of the insurgents. The gunboat *Leyte*, on June 29, was captured by the Americans, as I am informed by its commander, Peral, together with 200 officers and troops, on going to ask help for 800 men in three barges, who were in great danger of drowning. They had not eaten for three days. Under pretext of not having food or room for them, they were delivered to the insurgents until July 16; then were redelivered to the Americans. They did not render any aid to the 800 men. Ordered Aguinaldo to take possession of them, and they still continue in his power.

ALMODÓVAR.

No. 11.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

PARIS, September 30, 1898.

The Commission has just finished a careful consideration of the telegram of your excellency of yesterday and regards it of the greatest urgency to consult your excellency on the following points: The Government of Washington, according to the telegram of Mr. Cambon of September 9, answering the demand of the Government of His Majesty, refused to permit the Spanish forces, surrendered at Manila, to be employed against the Tagalo insurgents, and stated that there would be much feeling should Spain send troops to the Philippines, because it was desired that the two Governments abstain from acts incompatible with the suspension of hostilities. On what basis, then, is this Commission to submit the previous question, which your excellency recommends, so that the American Commission may not refuse to consider it on the ground of the prior determination of their Government, or even to decline to transmit our remonstrance. Your excellency is pleased to instruct us to lay

before the American Commission the resolution of the Government of His Majesty to send troops to the Carolinas and other territory occupied by the Americans. We do not know whether there are American troops in the Carolinas, or whether the resolution of the Government is to send these troops from the Peninsula or from those forces which it had in the Philippines upon the suspension of hostilities. It was agreed yesterday that the first conference would be held to-morrow at half-past 2 in the afternoon, and, without reference to this Commission complying with the instructions of your excellency received to-day, it is most important before the session to have information upon these points.

MONTERO RÍOS.

No. 12.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

MADRID, *October 1, 1898.*

The transmission of my telegram of the 29th ultimo was defective, and I make haste to rectify it. A negative was omitted in referring to sending troops to the Carolinas and other territories, making me say "occupied by the Americans," when the first draft says "not occupied by the Americans." The previous question which the Government of His Majesty desires to propose to the conference can be argued upon the following basis: The Spanish Government requested the American Government to permit Spanish troops to be taken from Manila, in order to employ them in putting down the rebellion in Luzon and in other points of those territories; it also requested that they permit troops to be sent from the Peninsula for the same purpose. The Federal Government declined both requests. Since that date recent events oblige His Majesty's Government to insist upon its desire to employ proper means where the Americans do not have a force which is able to preserve order. The natives in the Carolinas have risen and greatly threaten the few troops garrisoning Ponapé. Forces of the Tagalos have landed in the Visayas, with cannon, which certainly were not constructed in the Philippines. If the Spanish Government should consider the matter closed by the refusal of the Federal Government to permit the sending of military means, it would be tantamount to admitting that, while your excellency is negotiating in Paris, an uprising in our possessions in the extreme Orient is being propagated by the indifference of the Home Government. Silence and passiveness might be interpreted as an intention to abandon, and the

Government of His Majesty desires to signify in an explicit manner its resolution to preserve these colonies. It is therefore the desire of this Government that your excellency and the other plenipotentiaries will please place the following question before the American Commissioners, to the end that they transmit it to their Government. In view of the growth of the insurrection in our colonies of the Orient, more or less spontaneous, as in Ponapé, instigated by the leaders of the Tagalos, who have carried the revolt into Panay, the Spanish Government feels the absolute necessity of sending reinforcements from the Peninsula, and thus sets forth the situation to the United States. You may add that it is expected of the American forces occupying Manila, and of the generals whose influence over the insurgents is known, that they will use their influence to restrain barbarous acts, such as those lately committed—the murdering of women and children. It is the duty of the sovereignty of Spain and of general humanity to put an end to the atrocities which the Tagalos commit, and we expect that the Washington Government will not refuse the employment of means necessary for this purpose. Through the embassy of France, and directed to Mr. Cambon, I have sent the note of which your excellency will receive copy to-day, setting forth these views.

ALMODÓVAR.

No. 13.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

PARIS, *October 1, 1898.*

Received the telegram of your excellency of to-day, answering ours of yesterday, after the session of the first conference. In the conference we presented in writing the remonstrance which your excellency directed in your telegram of yesterday, having the good fortune to divine the thought of your excellency set forth in the telegram afterwards received. The American Commissioners defer answering us until the next session, which will be held Monday. By the post of to-morrow I will send your excellency a communication in detail, it being impossible to do so to-day for lack of time. I recommend to your excellency the greatest reserve as to these proceedings, it being agreed by mutual understanding and promise of each and every Commissioner to maintain absolute and impenetrable reserve regarding what is said and done in the conferences.

MONTERO RÍOS.

No. 14.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

PARIS, October 3, 1898.

The second conference has just been held. The American Commissioners answered in writing our motion in regard to the previous question. They deny the competency of this conference to concern itself with a matter already initiated and pending between both Governments. To-morrow I will send your excellency a full text of said answer. We announced to-day that we would present in the next session the appropriate protest. The next session will be held Friday, the 7th, as we have to prepare a counter project to the one presented to-day by the American Commission regarding the renunciation of the sovereignty over Cuba and the cession of Porto Rico. We again urge upon your excellency the most absolute reserve in regard to communications between the Government and this Commission. The press, far and near, augment each day the grave difficulties which surround us.

MONTERO RÍOS.

No. 15.

The Ambassador of His Majesty to the Minister of State.

[Telegram.—Translation.]

PARIS, October 4, 1898.

This evening I presented to the President of the Republic the Spanish delegates to the Peace Conference. The President welcomed the Commission and expressed fervent desire that the negotiations may have a favorable termination. Talking personally with me, the President charged me to present his respects and give thanks in his name to Her Majesty the Queen Regent for the investiture of the order of the Golden Fleece.

LEÓN Y CASTILLO.

No. 16.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, October 2, 1898.

MY DEAR SIR: I received day before yesterday, the 30th of September, your telegram in cipher suggested by the dispatch of General Ríos, received by the Government, and giving an account of the landing of 2,500 armed Tagalo rebels, with artillery, in Pandang and Culasi de Antique in the islands of Visayas. Your excellency

instructed me to have this Commission propose to the American Commission at once, as a previous question, reference to the unhappy state created for the Government of His Majesty by the attitude of the Federal Government in refusing to permit sending Spanish forces for the conservation of order in the islands of Visayas, or in any part of the Philippines outside of Manila and its bay, now occupied by the Americans. The telegram having been translated, I called at once, the same day, the 30th ultimo, a meeting of the Commission. After the first reading of the dispatch it seemed to us that, His Majesty's Government having initiated directly, by means of the French ambassador in Washington, the remonstrance and protest which your excellency desired, if this Commission submitted it now as a previous question the American Commissioners might at once reply that this matter, being under consideration by the two Governments, should not be discussed here. The argument would be strengthened on account of lack of competency arising from the limited powers granted to the plenipotentiaries on each side, their mission being limited by article 5 of protocol of August 12 to concerting a treaty of peace between both nations.

We noted the expression in the telegram, as deciphered, instructing us to claim, for the Spanish Government, the right to send troops to the Carolinas and other points *occupied by the Americans*, although the telegram stated nothing to show that there was an insurrection against the sovereignty of Spain by the natives of those islands, or that any Tagalo rebels had landed there. The Commission at once agreed to address to your excellency without loss of time a telegram asking advice and entreating immediate reply, because the first session of the conference was fixed, as the protocol demanded, for the following day at half-past 2 in the afternoon. At the same time the Commission resolved to comply with the instructions of your excellency in regard to the presentation of the indicated previous question, even though an answer should not then be received to our telegram of consultation.

The morning of yesterday—the 1st—and before the arrival of your answer, I received the cipher telegram of your excellency of the previous day, transcribing the answer of General Jáudenes in regard to the situation of the prisoners made by the American cruiser *Raleigh* and in relation to the prisoners of the *Leyte* and the 800 in the barges which were taken by the Tagalos; also by post this morning I received the communication of your excellency (No. 2) of the 29th ultimo, in which you were pleased to send me a copy of the answer which had been given to the French ambassador near the Court of His Majesty replying to his memorandum, transmitting a report of Mr. Cambon's negotiations relative to affairs in the Philippines.

Immediately, before the conference, I called the Spanish Commission together and we discussed these documents. The note of your excellency to the French ambassador near the Court of His Majesty, to which I have just referred, confirmed the Commission in its judgment that the remonstrance initiated directly in Washington by our Government was taking its course, and therefore there was reason to fear that the American Commission would allege (as ground for not accepting the previous question which we proposed to present) the irregularity of continuing the discussion by independent channels. The Spanish Commission also appreciated the desirability for our Government to preserve entire liberty of action to follow up or not in Washington the remonstrance initiated there. They considered, moreover, that the urgency of submitting the previous question was not so pressing as it would have been if your excellency had not directed your last note to the French ambassador near the Court of His Majesty. The Commission considered a plan for submitting this previous question, so that it should not be denied on the ground of lack of competency of the plenipotentiaries of both countries to discuss it in their conferences, and so that the wishes of your excellency to submit the question to the conference would be complied with.

I therefore at once drafted the motion which was to be presented to the conference, which, after reading, my associates honored with their approval.

At the hour fixed, and before receiving an answer to our telegram of consultation, we went to the apartments designated for the purpose in the Ministry for Foreign Affairs, and the Commission was at once organized, being constituted by the plenipotentiaries of both countries, under the common presidency of those selected by each Government for the presidency of their respective Commissions; the general secretary of the American Commission attending, and the plenipotentiary, Señor Villa-Urrutia, acting for the Spanish Commission as secretary-general, until the arrival of Señor Ojeda, named for this office. It was agreed that the conferences be carried on in the languages of both countries, the general secretaries making minutes of the meetings without prejudice to the subsequent approbation of the whole Commission; also that two plenipotentiaries—one from each Commission—draw up rules under which the conferences are to be conducted, these rules to be approved by the Commission in the next session, which will be held to-morrow, the 3d, at 2 p. m.

I brought forward the previous question, presenting it in writing, of which I send your excellency a copy. The interpreter read a faithful translation of it into English to the American plenipotentiaries

who took it under advisement for answer and discussion in the session of to-morrow. In this discussion we will make use of all the information and data contained in the two telegrams of your excellency and in the one in answer to our inquiry, which we received one hour previous to the termination of the conference.

The Commission will have great satisfaction if they have interpreted faithfully the views of your excellency.

Dios, etc.,

E. MONTERO RÍOS.

p 18
[Inclosure: Protocol No. 1, printed on page 12, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

120
No. 17.

His Excellency the Duke of Almodóvar del Río to His Excellency Don Eugenio Montero Ríos.

[Translation.]

MADRID, October 4, 1898.

MY RESPECTED AND ESTEEMED FRIEND: I have received your telegram of yesterday, referring to the result of the conference held with the American Commissioners, which result you anticipated in your official dispatch No. 2, received this morning.

It is probable, taking into consideration the conduct observed in the Philippines by the American troops, that the Commissioners of Paris will attempt to elude any reply in relation to the previous question, which the Spanish plenipotentiaries have promulgated in regard to conditions in those territories. The excuse suggested surely will not be satisfactory to you, it not being attempted to conduct negotiations by two distinct channels. The proposition of the Government is that, at the same time that we are making representations to the Federal Government regarding the increasing gravity of happenings in the Philippines, the Commission, charged to negotiate peace, far from remaining officially ignorant of the course of events, will adopt a course of action based upon them, so that the future conferences of the Commission may be intimately advised of the negotiations proceeding in Washington. The efforts of the French embassy in America could not settle these matters as rapidly as would be necessary to the Commission of Paris, if the latter must take into consideration the attitude of the Federal Government in such important affairs. As a rule, it would be necessary to await many days advices from Washington, and there is an urgency on our part to know definitely the intentions and propositions of the Americans in regard to the encouragement and help which appears

to be lent to the insurgents by the military commanders who occupy Manila. The constant desire to evade all categorical answers, revealed in the tardiness of the Secretary of State, who even when answering does so in an incomplete manner, is again observed in the American Commissioners now eluding all answer, and this makes it more necessary for us not to lose any opportunity or leave untried any effort to settle what is of so much interest to us.

From the inclosure which accompanies your dispatch, I observe the form in which you have ably discussed the *question of guaranty* concerning the conservation of *statu quo* in the Philippine Archipelago. The American Commission can certainly not deny the request under the pretext of lack of competency, inasmuch as it would not be possible for the Spanish plenipotentiaries to continue the conference with tranquillity, after the late occurrences in Luzon and neighboring islands, unless the American Government will give the desired assurances. There is, nevertheless, a second question, which I beg to submit to you, gentlemen. In the Archipelago of Visayas, in Mindanao, and in the Carolinas there have been attempts at insurrection, with varying success. These territories are now incontestably under the sovereignty of Spain and far from the scene of American action or even of influence. The insurgents of Luzon send expeditions to those territories with the design of inciting them to rebellion. To prevent this, it is not sufficient for the Americans to employ diligence, as is their duty, in discouraging the forces of their auxiliaries from such attempts, but it is essential also that the Spanish Government be able to send thither the military resources necessary for repression, if the action taken by the Americans does not suffice, as is probable. The Government, having in mind this supreme and indispensable necessity, desires to notify the Americans of its resolution to send forces to the Carolinas and other territories not occupied by them.

You not having considered it opportune to act upon this part of the suggestion of Spain, it will be necessary to await the answer from Washington to be sent by the French embassy. As I have said to you before, the Americans are in no hurry to satisfy our demands.

I inclose copies of two telegrams from Iloilo, which are relatively satisfactory, and one from Manila, in which are expressed the exact desires set forth by me to the Government of Washington. It seems to me that General Jáudenes is under an illusion in respect to the inclination of the military officers to permit the departure of our forces. Nevertheless, the presence of General Merritt, who without doubt will talk with you, may give opportunity to enter into explanation in regard to this particular subject.

I would feel under obligations to you if you would number your telegrams to this Court in the same manner mine are, beginning to number from now on. In this manner it will be easier to make references to our mutual communications.

I remain, etc.,

ALMODÓVAR DEL RÍO.

[Inclosure A.—Translation.]

Telegram of the general commanding in the Visayas to the Minister of War.

No. 27.]

ILOILO, October 1, 1898.

Tagalos landed in Province of Antique. They were defeated after a severe fight with a force of 500 men, which I was able to unite under command of Lieutenant-Colonel Brandeis, leaving 94 dead on the field, and capturing 14 prisoners, 14 Mausers, 31 Remingtons, and boxes of munitions. The rebels, badly used up, retired to the town of Bugasón, which our force will attack to-day. One of the prisoners, a deserter from the civil guard of Antique, was summarily shot. On our side, Captain Fortuny, of the engineers, and 5 soldiers were killed, and Lieutenant Abreu and 20 soldiers were wounded. I consider this action of great moral importance in these critical times in the Visayas, especially in sustaining the loyalty of the native troops. I propose to direct the Capiz force in position to impede invasion of province by Tagalos, which are moving that way. I will try to fight later. Opened communication yesterday with Cebu by heliograph. Nothing has occurred there of importance. There is nothing more of importance in this territory.

[Inclosure B.—Translation.]

Telegram of the general commanding in the Visayas to the Minister of War.

No. 28.]

ILOILO, October 2.

Brandeis took Bugasón after little resistance. Rebels in precipitate flight, leaving 27 dead in hands of troops; 2 pieces of artillery, 35 guns—among them Chassepot, Remington, and Mauser—and 6,000 cartridges for them. All documents lost, which shows that Visayas is little disposed to second the movement. In spite of heavy storm the rebel vanguard embarked rapidly, so as to save themselves from being completely destroyed between two fires. They tried to land in the town of Hibisan (Capiz), proceeding from the island of Tarloe in launches, but an ambuscade of troops and volunteers impeded them. The rebels left 31 dead and some arms on the beach, while others were drowned in the retreat.

These troops, which have not received thanks during the time they have been in constant operations here, are very satisfactory. I pray your excellency authority to concede some recompense within the limits you may be pleased to indicate.

Being without communication with Cebu, I have sent vessels to obtain tidings. Nothing of importance has occurred in rest of the territory. I am much obliged for what you stated to me by cable. I assure your excellency that, by all the possible means, I will endeavor, as I have up to this time, to sustain the sovereignty of Spain in the territory under my command. Lieutenant Matilla is in the field. Nothing new from Antique. Captain Pintado is not in this territory.

[Inclosure C.—Translation.]

Telegram from the captain-general of the Philippines to the Minister of War.

No. 41.]

MANILA, October 3, 1898.

According to reports which have come to my notice, it appears that the American commanders, on account of the concentration of forces and sanitary conditions, would be pleased to support the efforts of the Spanish Government for the evacuation of the city; and as all reports agree that shortly the situation in Visayas may be dangerous, I suggest to the Government that it would be very convenient to obtain permission from Washington that these troops and their arms and munitions may go there to protect the sovereignty in those islands.

No. 18.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

PARIS, October 5, 1898.

The American Commissioners, in their project of treaty in regard to the renunciation of the sovereignty in Cuba, do not indicate in whose favor this renunciation is to be. If this be accepted by Spain, we would not be able to demand of the United States in the treaty, or of anyone, the transfer of the obligations and debts of all kinds which to-day press upon Spain and arise from the exercise of her sovereignty in Cuba. We understand therefore that it is indispensable that there be set forth in the treaty in whose favor Spain renounces her sovereignty over the island. It may be demanded that the United States accept this renunciation and its consequences for themselves, or that they annex the island. The latter, for good reasons, including those of moral principle, it is our understanding Spain should not propose. It may, at the proper time, be demanded that the United States accept the renunciation upon their own responsibility, but in representation and for the Cuban people. Your excellency will please instruct us in whose favor we are to demand that Spain renounce the sovereignty of Cuba, because without this we believe that the United States will have excellent ground for not accepting, or perhaps even discussing, anything relative to the transmission of the Cuban debts and obligations which are now pressing upon Spain, so long as there is not a recognized entity which must accept them, and to whose account the transfer must be made. We impress upon your excellency the urgency of an immediate answer; for, not knowing concretely the thoughts of the Government, we will not be able to take part in the conference to be convened next Friday. It is indispensable that to-morrow—Thursday—before night, we have in our hands the answer of your

excellency, because after seeing it we may have to modify the document already drawn up, or perhaps will have to draw up a new one, in order to take part in the conference of Friday.

MONTERO Ríos.

No. 19.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No 6.]

MADRID, *October 6, 1898.*

The governor-general of Visayas informs the Minister of War as follows:

ILOILO, *October 4.*

Panic produced among the rebels by our forcing the embarking of their vanguard in Antique, with the result that there fell into our hands supplies, with 200 guns of the class already indicated, more than 40,000 cartridges, and two cannons; two others out of nine they threw in the river and were extracted by us. In their flight, in towns through which they passed, they abandoned and we have captured 78 others and their flag, rescuing 18 Spanish prisoners they had. Completely dispersed, they surrendered or fled to the mountains, there not remaining more than some seventy, and their leader, armed, who proceeded to the Province of Capiz. The district of Antique has recovered its normal condition, and I recommend the province to Government for not supporting movement. I am withdrawing forces from Antique, to give more vigor to operations in the mountains of Capiz. The moral effect of operations in Antique has resulted in spontaneous enthusiasm. Numerous manifestations were made me as representative of the Government to-day by the clergy, corporations, and all classes of business men of Iloilo, who appreciate the value of these occurrences. Communication with Cebu has been reestablished, which was cut off by the party which attacked the town of Asturias and were bravely repulsed by the volunteers, who had 3 killed and 9 wounded, causing numerous losses to the rebels, who fled, badly punished. Another party near Toledo was defeated by our forces and left 36 dead. Rest of the territory without change.

ALMODÓVAR.

No. 20.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 7.]

MADRID, *October 6, 1898.*

Received your excellency's telegram referring to the form in which Spain should renounce her sovereignty over Cuba. The Government agrees with the Commission that it is necessary to state clearly in the treaty in whose favor Spain renounces said sovereignty and her rights, to the end that it shall be clear upon whom falls the obligations of that country. Since the message of the President of the Republic initiating the negotiations of peace

the Spanish Government has undertaken to agree with the Government of the United States upon a definite political status for the island of Cuba. In the course of the negotiations Spain has maintained the same purpose, and has even intimated that the interests of the native Spaniards and loyal Cubans would be best guaranteed if the American Republic would annex the island. The Federal Government declares that in its present state the island requires help and direction, and the United States is disposed to lend it. Therefore, the United States is under obligation to covenant with the Government of Spain in the name of the island of Cuba, which to-day lacks international entity, and the day in which Cuba may perfect such entity does not seem near. Whether the renunciation of sovereignty be in the form of annexation or a protectorate, it is indispensable that the United States should be the one to accept the renunciation in its favor, the treaty determining with all clearness and precision the mutual rights and obligations resulting from the renunciation of sovereignty and rights enjoyed on the part of Spain.

ALMODÓVAR.

No. 21.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, October 4, 1898.

EXCELLENCY: At the second conference held yesterday at half-past 2 in the afternoon the American Commissioners presented in writing their answer (which I have the honor to send your excellency in duplicate copy in Spanish and English) to our motion, also in writing, in which we demanded, as your excellency has been advised, the restoration in the Philippines of the *statu quo* existing the 12th of last August, when the protocol was signed in Washington by which the suspension of hostilities on the part of both belligerents was agreed upon.

As your excellency will be pleased to note in the said answer, the American Commission, pleading their "lack of power" and desiring "to prevent the diversion and failure of the present negotiations," deem themselves obliged to reply that, the questions involved in the present proposals [ours] and demands of the Spanish Commissioners having heretofore been presented to the Government of the United States and answered in notes of the Department of State, any further demands as to military operations in the Philippines must be addressed by the Government of Spain to the Government of the United States in Washington, and consequently that they [the American Commission] can not join in the proposed declarations.

I had to protest, verbally and in the minutes, against certain phrases in the American reply intimating that the Spanish Commissioners, in presenting their proposition at the previous session, desired to divert the conference from the object for which it had convened; although the American Commissioners, in their closing paragraph, asserted that they had no intention of insinuating that our proposition had been made with this object. This satisfactory statement being repeated by them, we stated that we reserved the right to present in the next session an appropriate protest, of which I will remit your excellency a copy in due time. In it we shall expressly set forth that the Spanish Government and its Commissioners reserve the right to decide what they believe Spain's dignity and right demands, in the event that the United States, far from maintaining the above-mentioned *statu quo*, shall continue to permit the situation to be altered by the rebel Tagalos to the prejudice of Spain. The protocol of August 12 having once been decided to be the firm basis of the treaty which we are called to conclude, it can not be conceived how it is possible to make this treaty on a basis which is being altered each day to the prejudice of one of the high contracting parties.

The American Commission then presented a project for the first two articles of the treaty, which includes all that they understand that the articles should contain respecting the renunciation of the sovereignty of Spain in Cuba and the cession to the United States of Porto Rico and other Spanish islands in the sea of the Antilles.

As the said project is entirely unacceptable to Spain, in what it sets forth as well as in what it fails to set forth, the Spanish Commissioners have announced that in the next session they will present a counter project on the same subject. This we propose to do, setting forth in writing the reasons or principles which demonstrate the clear justice of what we have to propose in each article of the counter project.

In due time I will inform your excellency how the negotiation is progressing here. Because of the necessary extension of our labors, and to afford indispensable time to prepare our reply—having in mind also that to-day His Majesty's ambassador in Paris has been pleased to advise us that we are to have the honor of being received and presented to the President of the French Republic—it was arranged that the next conference will be held next Friday, the 7th. This is all I have the honor to communicate to your excellency to-day.

Dios, etc.,

E. MONTERO RÍOS.

No. 22.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 6.]

PARIS, *October 7, 1898.*

Confidential. The session has just closed. This Commission presented the protest in regard to the Philippines, of which your excellency has knowledge, and the counter project for articles of the treaty in relation to the renunciation and cession of the Antilles. The American Commissioners desire to study the matter until Tuesday, when a conference will again be had. I am communicating to your excellency in detail by post to-day.

MONTERO RÍOS.

No. 23.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *October 7, 1898.*

EXCELLENCY: I received last night your telegram No. 7, answering the unanimous recommendation which this Commission had addressed to you by telegraph in regard to the manner in which the Commission should demand of the Commissioners of the United States that they accept the renunciation of the sovereignty of Spain over the island of Cuba; or, what is the same, whether this Commission should demand that the United States accept the sovereignty over Cuba by annexation, or transmit it to the Cuban people at an opportune time.

This Commission, to whom I made known the telegram of your excellency immediately after its receipt and translation, agreed to be guided by the instructions the telegram contained and to present in the conference of this afternoon, in connection with these instructions, the counter project of treaty referring to the renunciation or cession of our sovereignty in the Antilles. This was done, the reading having first been in Spanish by our secretary, the interpreter of the American Commission at the same time translating it aloud into English.

The American Commissioners, after a very brief consultation among themselves, proposed that we adjourn until next Tuesday, when the Commission would meet at 2 p. m. for discussion of the before-mentioned counter project. They would then state whether they would accept or refuse it; and if the former, whether they would accept it as a whole, or what part they would refuse.

It was also definitely agreed that when a proposition is not accepted a memorandum may be presented containing the reasons on

which it is based; to this memorandum those refusing have the right to reply with other documents of the same kind, in which they may state succinctly their reasons for not admitting it. In consequence of this understanding, I have reserved the presentation of the memorandum prepared in support of the counter project presented until the American Commission express their refusal.

I send your excellency a copy of the counter project and memorandum.

Excuse me in stating to your excellency how indispensable it is that these documents be kept in absolute reserve, because any news in regard to their contents might cause a failure of the object desired.

This Commission presented in the conference of to-day the proposition, copy of which I also send your excellency. The American Commissioners acknowledged its receipt and agreed that it form part of the protocol of the conferences, but they refrained from saying anything in relation to its contents. We insisted orally upon the right to discuss, when we thought it necessary, the condition of affairs in the Spanish possessions in the extreme Orient. On this point I await instructions from your excellency.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 3, printed on page 23, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 24.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 8.]

PARIS, *October 11, 1898.*

Have just held a session. The American Commission did not accept our project. In consequence we presented memorandum. They defer answering in writing until the next conference, which will be held next Friday, in which we shall begin the oral discussion. I write by post of to-morrow.

MONTERO RÍOS.

No. 25.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *October 12, 1898.*

EXCELLENCY: As I had the honor to state to your excellency yesterday by telegraph, at 2 in the afternoon a conference was held, the plenipotentiaries of both Governments being present.

The American Commissioners presented a proposition explaining their motives for not accepting the counter project of the articles of the treaty relative to the renunciation of the sovereignty in the island of Cuba and the cession of this sovereignty in Porto Rico and other Antilles, which the Spanish Commissioners had presented in the previous session.

Consequently, we presented the memorandum in which is set forth succinctly the reasons for our project, a copy of which I have the honor to remit to your excellency.

The American Commissioners, after a brief debate, in which they endeavored, without success, to have an oral discussion on the base of the project of articles they had presented, agreed that they would reply in writing in the next session to our memorandum. Session to be held at 2 p. m. Friday, the 14th.

The written discussion being terminated, the oral arguments then began concerning the acceptance by the United States of the renunciation of the sovereignty of Spain in Cuba, with its consequent responsibilities and the transfer with this sovereignty of all the charges and debts of a colonial character contracted by Spain, up to the ratification of the treaty, for the public service in the island or as a charge upon its special treasury.

Observing that the answer presented by the American Commissioners, refusing our project, assumed that we proposed that the United States accept the sovereignty of Cuba to transmit it at the proper time to the Cuban people, I called their attention to the inexact translation of our article, in which we do not say that the United States shall accept the sovereignty of Cuba *in order to* transmit it at the proper time to the Cuban people, but that they *may* transmit it at the proper time to said people.

This correction produced a visible effect upon the minds of the American Commissioners and confirmed our previous belief that the United States have in view the annexation of the island of Cuba. They did not state this definitely; nor, on the contrary, did they desire that the treaty should contain the obligation that they voluntarily contract to transmit said sovereignty to the people of the Grand Antilles, and above all they did not desire that Spain reserve in the treaty the right to demand of them the compliance of this obligation.

Presuming that the American Government favors annexation, we shall avail, in the discussions following, of the resources offered us in benefit of the interests of Spain. The United States, in their joint resolution, voluntarily declared that they only demanded of Spain the sovereignty of Cuba so as to transmit it to that people to the end that they might be independent. Spain would then have perfect right to demand of them the compliance of their voluntary

engagement; not demanding this, Spain would be granting them a signal service, which would require proportionate compensation. This Commission understands that it must limit itself solely to not demanding this compliance, at the same time abstaining from making any manifestations for or against annexation. If it is agreeable to the United States this Commission believes it certain that they will comply with their engagement, without the necessity of Spain asking it, and if it is not to their mind this Commission understands that Spain lacks means to enforce compliance. The United States will be, after the treaty is signed, in the same situation in which they were after the vote of their Congress on the joint resolution of April 20 of this year, but Spain will be neglecting notice in the treaty of this obligation, although without exempting them expressly from its compliance.

As your excellency will understand, this situation, we hope, will favor our exertions in the discussion of the articles of the treaty relative to the transmission of the colonial obligations and other points which must be inserted in the treaty. We shall endeavor on our part to do all possible so that the compensation may be proportionate to the service Spain lends to the United States.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 4, printed on page 30, S. Doc. No. 62, part I, 55th Cong., 3d sess.]

No. 26.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 9.]

PARIS, October 14, 1898.

The conference has just terminated. Spirited discussion during four hours as to whether the United States should accept the renunciation of Cuban sovereignty. The determination is pending for the next session, which will be held Monday. I will write your excellency to-morrow.

MONTERO RÍOS.

No. 27.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 10.]

MADRID, October 16, 1898.

It is advisable that your excellency inquire of the American Commissioners, by direct or indirect means, the truth concerning the

departure of the ships *Oregon* and *Iowa*, which according to report are on the way to the Pacific en route to the Philippines; and also regarding the sending of reenforcements for the American troops garrisoning Manila. Another point which should be presented to the Commission is in regard to the Spanish prisoners in the power of the insurgents. Thousands of soldiers and officers, as well as ecclesiastics and citizens, are at the present time subjected to the greatest outrages by the insurgents. To the remonstrances of the Spanish Government the United States Government always replies that it will use its good offices, which up to this time have not resulted satisfactorily. I think that, within the powers of the Spanish plenipotentiaries to take cognizance of the consequences of the war, and, in addition to the negotiations initiated between the Governments, you may indicate to the American Commissioners the deplorable effect produced in Spain at the spectacle of forces looked upon as auxiliaries being allowed, contrary to the rights of men, to submit the captured Spaniards to outrages. His Majesty's Government does not intend to begin again the negotiations, which are already established directly with the United States, but in consequence of the Government of Washington deferring satisfaction to its demands, it merely takes advantage of the immediate intercourse established with the representatives of the Federal Government, and, heedful of its official duties, as well as to the claims of humanity, calls attention to the state of affliction of those Spanish subjects.

I read the dispatches of your excellency in the Council of Ministers, and the approbation was unanimous for the ability with which the negotiations on those points submitted to debate to-day were conducted. It gives me pleasure to communicate this approval.

ALMODÓVAR.

No. 28.

The Minister of State to the President of the Spanish Peace Commission.

[Translation.]

MADRID, *October 16, 1898.*

EXCELLENCY: The Council of Ministers, to whom I communicated the dispatches of your excellency which you have done me the honor to direct to me, has taken cognizance with great interest of their contents. They especially charge me to express to you, which I do with the greatest satisfaction, their unanimous approval of the conduct observed in the course of the very important negotiations committed to the zeal and discretion of your excellency, and their congratulation upon the skill with which the Commission, of which

you are the worthy president, is acting. By royal order I communicate this to your excellency for your information.

Dios, etc.,

THE DUKE OF ALMODÓVAR DEL RÍO.

No. 29.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, October 15, 1898.

EXCELLENCY: I have duly received the royal order No. 6 in which it has pleased your excellency to inform this Commission of the telegram of the Governor-General of the island of Cuba, notifying the Government of His Majesty of the contents of the communication he has just received from the American commissioners for the evacuation of that island.

This Commission will bear in mind the due importance, taking into consideration the nature of its work, of the information which said telegram contains and which your excellency has had the kindness to transmit.

As I stated to your excellency yesterday afternoon, after four hours of discussion the conference terminated with no decision of any kind. The subject of the debate was the projected first article of the treaty, which the Spanish Commission had submitted for the approval of the American Commission and which was not approved.

The American Commissioners opposed that the treaty should state that Spain renounce in favor of the United States and that they accept the sovereignty of Cuba. Notwithstanding the evidence of events confirms what the negotiations prior to the protocol show, as well as Article IV of the same, the American Commissioners persisted in their refusal to accept the before-mentioned sovereignty in the name of the United States. The reason of their resistance is clear. These gentlemen comprehend that if the United States accepts sovereignty over the island of Cuba, either in order to preserve it or to transmit it to the Cuban people, they must be directly responsible to Spain for all that the cession carries with it, and although they may be resolved to oppose that the debts shall pass with the cession, perhaps they feel that the evident justice of the Spanish demands will oblige them to concede more or less on this point. In order to avoid that the United States be the one upon whom is to fall these transmitted debts, they oppose anything that has the semblance of accepting sovereignty renounced over the Great Antille.

After four hours of discussion I saw it was necessary to declare that it was an absolute condition of Spain that the treaty contain the acceptance on the part of the United States of the sovereignty that the Crown of Spain renounces.

In consequence of this attitude, they proposed that the conference proceed to debate the views as to what constituted sovereignty, without determining the question of the renunciation, which had been the only matter of discussion in the conference of yesterday.

In accord with the views of my associates, I opposed proceeding to the discussion of the second point until the first had been determined. The discussion of the second point would include the question of the transmission of Cuban debts and obligations.

In this state of affairs the American Commissioners proposed a continuation of the discussion of the former question at the next session. This was agreed upon, in view of the advanced hour. Said discussion will be held the 17th at 2 p. m.

According to custom, immediately after the session I telegraphed the result to your excellency.

Dios, etc.,

MONTERO RÍOS.

[Inclosure: Protocol No. 5, printed on page 44 *et seq.*, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 30.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 10.]

PARIS, October 17, 1898.

The conference has just closed. The American Commissioners withdrew their previous project, presenting another more inadmissible than the former. It is limited to a literal reproduction of the first two articles of the protocol. We have reserved the right to answer with a new project and memorandum in the session to be held next Wednesday. I have received your excellency's telegram of to-day in regard to *Oregon* and *Iowa*, reenforcing the Manila garrison, and the cruel treatment of the prisoners by the Tagalos. We made verbal request of the American Commissioners that they inform their Government of our desire that these matters be corrected or remedied, so as not to augment the difficulties of the conference on account of the excited public sentiment produced by these occurrences. The American Commissioners took cognizance of our request, offering to communicate with their Government and stating that they shared our feeling.

MONTERO RÍOS.

No. 31.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, October 18, 1898.

EXCELLENCY: In addition to my telegram of yesterday, giving an account of the sixth conference, I have the honor to remit to your excellency the documents presented by the American Commissioners answering our arguments and proposing to substitute for the articles already presented the precise stipulations of Articles I and II of the protocol.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 6, printed on page 51 *et seq.*, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 32.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 11.]

PARIS, October 19, 1898.

The conference appointed for to-day has been adjourned until next Friday. To-morrow I shall remit to your excellency the dispatch mentioned in my former telegram.

E. MONTERO RÍOS.

No. 33.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 12.]

PARIS, October 21, 1898.

The conference was held, the Spanish Commission presenting a counter project of articles and the corresponding memorandum in their support, and setting forth the reasons which preclude acceptance of the last American project. The American Commission reserved the right to examine the matter in order to answer in the next session, which will be held Monday, or later if the consideration of the documents requires more time. To-morrow I shall remit to your excellency the documents pertaining to this conference.

MONTERO RÍOS.

No. 34.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 11.]

MADRID, *October 21, 1898.*

The letter No. 5 which your excellency directed to me, as well as that directed to the President, have been read this afternoon before the Council of Ministers, their contents receiving unanimous approbation. In case, as your excellency foresees, the American Commissioners persist in their position, the best expedient, in view of the precarious state of the country—it being impossible to sustain new hostilities—would be to have recourse, as your excellency proposes, to a declaration setting forth the protest of Spain against the violence which is imposed upon her. As this would be the last resort to which we may appeal, as far as possible, in the good judgment of your excellency, it should be deferred to the last moment. I deem it difficult for the Americans to face the responsibility of an abrupt conclusion, which would merit before the world the qualification of brutal—above all, in treating the question submitted to debate to-day. To appeal to arbitration respecting the debts of Cuba is an advisable step for our plenipotentiaries to propose, once convinced of the impossibility of reaching an understanding. If the proposal does not give a result it will serve to augment the justice of Spain in this contention. Received telegram No. 12.

ALMODÓVAR.

[Confidential letter No. 5, referred to in the preceding telegram.—Translation.]

His Excellency Don Eugenio Montero Ríos to His Excellency the Duke of Almodóvar del Río.

Confidential.

PARIS, *October 18, 1898.*

The United States demand of us the abandonment of the Antilles, and although their Commissioners said in the last memorandum that they consider it their absolute duty to protect legally those Spanish citizens residing there and their properties, they do not desire to set it forth in the treaty, since the latter [their treaty draft], in that part referring to the Antilles, must contain only the first two articles of the protocol; so they say, however much may be your amazement upon reading it in their last memorandum.

It may be fate that the treaty, referring to the Antilles, will have to be limited to those two articles, and as those provisions are already in the protocol it is evident that there is not even cause for the supposition that the American Commissioners propose to execute any treaty between Spain and the United States in relation to the Antilles.

It is fair to suppose that similar things will occur in respect to the Philippines. The United States will impose upon us their conditions, but will not favor us in

anything. If this happens the treaty will be a singular deed in the diplomatic history of peoples, because it will be reduced to one of the parties submitting itself unconditionally to the obligations and exigencies which the other imposes upon it, without the other on its part recognizing any right or making any concession.

* * * * *

But between signing this treaty and, as a last resort, denying the demands of the United States there is a middle course, which, not guarding the interests, may at least save the honor and dignity of our country. This measure consists in replacing the treaty by an act which shall contain the demands which the United States makes on Spain, with a declaration of the absolute powerlessness of Spain, through lack of means to oppose said demands, and that Spain consequently cedes to force, granting that which the United States demands and protesting against the injustice and violence of said demands.

I do not conceive how the United States, in view of this manifestation of Spain, can begin war again, because we accede to what is demanded, although we do not acknowledge the right of such demands and protest against their injustice.

It is clear that the consequence of this would be the absolute and complete rupture of all kind of relations between Spain and the United States for an indefinite time, but in compensation it offers the advantage of saving our unfortunate country from new disasters.

* * * * *

In order to explain the measure which I take the liberty of proposing to you, it would be necessary to consider the following action, and this would be as follows: After exhausting, without success, all means and proceedings which we are able to employ to arrive at an understanding, and when the rupture seems to be immediate and inevitable, to propose to the American Commissioners that, before the question in regard to the Antilles is definitely determined, they state the conditions they desire to propose regarding the Philippine Archipelago. Once knowing these conditions (if they are of the same character as those which they impose relative to Cuba and Porto Rico), and if it also appears that such conditions are a definite demand, then to proceed to execute the above-mentioned measure; refusing to sign the entire treaty, but offering to sign the above-mentioned act, and the Spanish Commission signing it and giving notification of it to the Americans, so it will appear officially that Spain, although violated by force, submits to the demands of the Cabinet of Washington.

I do not know that I have expressed myself well and clearly, but you and His Majesty's Government certainly do not need more ample explanation to fully understand the matter.

I must put an end to this letter, which only the terrible solemnity of the present moment can excuse. I do not know if this opinion of mine, which I hasten to state to you, is also that of the Commission. As soon as the two gentlemen who are ill recover, the six will confer, and, if those gentlemen think it best to set forth their opinion, I will at once communicate it to you. But as the moments press and a solution on the part of the Americans urgently threatens us, I beg that the Government of His Majesty, after deliberating on the matter, will be pleased without loss of time to communicate to me the line of conduct the Commission shall follow.

Yours, etc.,

E. MONTERO RÍOS

No. 35.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *October 22, 1898.*

EXCELLENCY: I duly received the royal order of the 16th by which the Council of Ministers have had the kindness to unanimously approve the conduct which this Commission is observing in the course of the negotiations which have been intrusted to it.

The plenipotentiaries who form this Commission, being informed of the royal order, acknowledge warmly this especial manifestation of the appreciation which His Majesty's Government has been pleased to show them, and charge me to beg that your excellency will please be the interpreter to the Ministers of these sentiments, to which I fervently unite my own.

As I stated by telegraph to your excellency, a conference was had yesterday at 2 p. m. In it the American Commissioners stated that they had not received an answer from their Government in respect to the motion which I informed your excellency by telegraph this Commission had made in the previous conference relative to the reports of the reenforcement of troops at the Manila garrison, of the voyage of the *Iowa* and *Oregon* to those waters, and of the cruel treatment which the Spanish prisoners in the hands of the Tagalos continue suffering. These gentlemen stated that immediately on receiving an answer from the Cabinet of Washington they will communicate with us.

This brief incident being terminated, I had the honor to present a proposition, substituting the previous articles which the Spanish Commission had presented by those newly drawn up, accompanying said project by a memorandum in which was set forth not only the reasons why the Spanish Commission was not able to accept the second American proposition presented in the conference of Monday, the 17th, but also setting forth the reasons upon which we founded our counter proposition.

A copy of above-mentioned project and memorandum accompanies this dispatch. This Commission will be much pleased if they merit the approbation of your excellency and of the Government of His Majesty.

Your excellency will observe that in the new articles drawn up there is only one difference of importance from those formerly proposed, namely, that of not excluding from the cession the patrimonial property of the State in the islands of Cuba and Porto Rico.

We had included this exception in the first draft, comprehending at once the difficulty which its approbation presented; the more so, as, although this approbation might be given by the American

Commissioners, there would afterwards be difficulty regarding its execution, because it is very difficult, in the nature of things, to distinguish one kind of State property from another. Moreover, I took into consideration that Spain, in claiming the payment of the Cuban debt, had no real right also to reserve the dominion of the edifices and other property which might have been acquired with the proceeds of this debt or from the resources of the island. But we included this, well understanding that something of all that was claimed would necessarily have to be changed. For this reason we have thought it best to suppress it now, acceding to the objections of the American Commissioners, although without acknowledging any right that they had in making them.

In other respects the new draft is like the former.

In relation to that which pertains to the debt of the colonies, which is the concrete point of this first part of the treaty, we have not done more than to change the form, using a form which would be least likely to afford the American Commissioners pretext for not accepting it.

Therefore, the same thought exists in all its integrity, even the thought of a mixed commission to appraise the sections of the debt which ought to pass to the charge of the colonies.

I received also this morning your excellency's telegraphic dispatch No. 11, answering my confidential letter No. 5. The unanimous approbation of the Council of Ministers, which your excellency had the kindness to communicate to me, confirms me in the opinion set forth in that letter, more powerfully than anything else could do.

I will be guided strictly in my conduct by your excellency's suggestions in dispatch No. 11 until your excellency finds it convenient to transmit me new orders.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 7, printed on page 53 *et seq.*, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 36.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 13.]

PARIS, October 24, 1898.

The conference has just closed. It continued four hours. The American Commission firm in its contention. Its attitude making a rupture imminent. It is 8 o'clock. The members of this Commission have deliberated until this hour. The post left at 7. I will write your excellency to-morrow, giving you more detailed news.

MONTERO RÍOS.

No. 37.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *October 25, 1898.*

EXCELLENCY: In confirmation of my telegram of last night I proceed to give your excellency an account of the conference held yesterday in the Ministry for Foreign Affairs between the Spanish and American Commissioners.

Mr. Day, the president of the American Commission, opened by declaring that the United States could not accept the articles of the treaty presented in the last session by the Spanish Commission on account of the stipulation in them of the payment of the Cuban debt, adding that, although the divergence between both Commissions consisted in this point, it was not only not possible to accept article No. 2, in which is proposed the measures to make effective the responsibility by means of an impartial commission, but that the United States would not accept this or any other article in which the United States either for itself or in the name of Cuba assumes any part of the debt of Cuba.

Mr. Day added that notwithstanding this the American Commission was disposed to add to the draft of the treaty an article by which the United States engages to guarantee and protect the lives and property of the inhabitants of Cuba during the occupation of the island, thus ratifying its previous declaration respecting this point.

I then asked Mr. Day if on entering into the discussion of the articles presented by us he would be disposed to inform me what part of those articles the American Commission would be able to accept immediately. Mr. Day refused to inform me, alleging that the divergence in principles was such that it did not seem possible to him to either admit or discuss what was not pertinent to them. I believed I ought to insist upon the right which the Spanish Commission has that there appear in the proceedings the opinion of the American Commissioners regarding the articles presented by us, or their refusal to give it.

After Mr. Day had expressed his desire that there should first of all be discussed the question of principle, and I having replied that this was also my desire, the discussion began, during the course of which I invoked not only some of the arguments set forth in the memorandum of this Commission in relation to this question, but also proceeded to amplify them, presenting to the consideration of the American Commission new and important precedents which history, from the remotest centuries until our time, offers us of

international compacts, in which was acknowledged and solemnly sanctioned the principle that one part of the national debt—that which affects a territory—passes with the sovereignty of the nation which possessed it to the nation which by conquest or pact takes its place.

I believe it useless to fatigue your excellency by reproducing here those concrete precedents which during two hours I had occasion to cite, as well as those arguments which I was able to bring decidedly in favor of the immutable laws of equity and of justice of international law as having an exact application to the present case.

The American Commissioners strove once and again to amend my arguments, but they did not in reality answer any of them, until at last the hour advanced, and, everything substantial and pertinent I was able to allege on our part having been exhausted, the president of the American Commission stated that, as the president of the Spanish Commission had declared that the phraseology of the proposition was a matter of indifference so long as it contained the obligation stipulated in Article II of the project relative to the obligation as to the debt, he desired to be permitted to ask of the Spanish Commission the following:

Do I understand the president of the Spanish Commission to say that the Spanish Commission would refuse to take into consideration any articles whatever of the treaty relative to Cuba and Porto Rico that do not contain something explicit in regard to the assumption of the debts by the United States or Cuba, or both?

The importance of this question, which your excellency will appreciate as well as myself, induced me to say to the American Commission that it was not possible to answer it at that moment. Having asked more time (it being shown in the firmness of their manner the repugnance with which the Americans conceded it and the impatience this delay caused them) it was agreed finally to meet to-morrow—Wednesday—at 4 o'clock in the afternoon.

As soon as this long session was closed, and when the American Commissioners had retired from the salon of the conference, the Spanish Commission convened in the same, and, stating to them the gravity of the situation and our powerlessness to remedy it with the means employed up to this time, I assured them that by the frankness and loyalty they had given evidence of during the negotiations I needed their opinion, for we ought not to leave the salon without reaching a decision consonant with the exigencies of the case.

All were of this opinion, and, as a first decision, determined to telegraph your excellency, which was done. The debate continued as to the course which should be adopted, and it was definitely agreed that it was possible to subordinate the question of the Cuban

debts to a settlement of the Philippine question—the more so, because the protocol left in this respect greater margin and more favorable grounds on which to negotiate for advantages, with hope of obtaining here the compensation which in regard to Cuba and Porto Rico the inflexible and conclusive protocol prohibited, according to the persistent views of the American Commission as to what was included in the abandonment of our sovereignty.

I decided therefore to state to the Americans our purpose not to answer definitely the inquiry of Mr. Day until knowing their intentions regarding the Philippines; it was also agreed to try, before the meeting of the Commission, in a confidential manner, to obtain from the American Commission some idea of the kind of an answer we might expect to our proposition, and the methods and means were left to me.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 8, printed on page 58, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 38.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, October 25, 1898.

In view of the attitude of the American Commissioners, which appears inflexible and of which this morning Señor Montero Ríos has informed me, by an understanding with him I have just had an extended interview with the ambassador of the United States. I discussed the subject in all its bearings with General Porter, and I am obliged to tell you that if an understanding on the Cuban debt is not possible an agreement might be arrived at by the United States making concessions in regard to the Philippines. In this manner the negotiations would be carried on, not by parts but as a whole, and it would perhaps be possible to obtain some compensation or understanding. General Porter will see Mr. Day at 10 o'clock to-morrow, and at 12 myself. I am not able to forecast what will be the result of this step, but I fear nothing, taking into consideration the firm attitude of Mr. Day. At all events, I believe, and have so stated to Señor Montero Ríos, as well as to General Porter, that the breaking off of the negotiations to-morrow is not rationally possible if the Spanish representatives answer the Americans that, in order to give a definite answer, they must know beforehand what the compensation to be obtained is.

LEÓN Y CASTILLO.

No. 39.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 13.]

MADRID, *October 26, 1898.*

The captain-general of the Philippines reports the following to the Minister of War:

ILOILO, *October 22.*

According to a dispatch received from Colonel Brandeis this morning, company of infantry of Mindanao, the most substantial, warlike, and trustworthy of these native forces which fought in Panay and Antique with great bravery, revolted last night, with those of Antique, passing to the enemy with arms and munitions. I am adopting measures to bring them, if possible, promptly to an engagement, but have information causing me to fear, with this example, the desertion of all the native troops, which I shall try to avoid; but your excellency knows the number of the Spanish troops. In spite of the grave situation, the Government may have assurance that I will maintain our flag in this territory at all costs.

ALMODÓVAR.

No. 40.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, *October 26, 1898.*

Continuing the exertions to which I referred in telegram of yesterday, I saw Whitelaw Reid last night, with whom I had a conference of three hours, and to-day saw General Porter. The same firm attitude in regard to the Cuban debt is maintained. Señor Montero Ríos, to whom I gave an account of these conferences, read me the answer which he will give at the meeting this afternoon. It is drawn up in the terms I indicated to your excellency yesterday. It seems impossible to me that the question put in these terms will cause a rupture. Have just received advices that the Americans heard this afternoon the reply of the Spanish delegates. They proposed to suspend the session until to-morrow in order to study and answer it.

LEÓN Y CASTILLO.

No. 41.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, *October 26, 1898.*

Have received two telegrams from your excellency sent last night—one in relation to the defeat sustained by the French Gov-

ernment in the Chambers and the other referring to the state of the peace negotiations and the measures adopted by your excellency, by understanding with Señor Montero Ríos, to avoid an immediate rupture. There is not sufficient explanation in the text of the telegram to make it possible to completely understand its contents. I beg your excellency to tell me if the Americans have asked delay in order to give a definite answer, which I suppose to be regarding the question of the Cuban debts (formulated by the Spanish Commission)—as to the compensation which should be obtained. It seems that this idea responds to what your excellency indicated in your letter No. 20 in relation to the negotiations for Philippine territory in compensation for Cuban debts. As in the telegram of your excellency you attribute the same idea to the Americans, I desire to know if they have brought forward this question, or if it has been by Mr. Porter, or raised by your excellency.

* * * * *

ALMODÓVAR.

No. 42.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 15.]

PARIS, October 26, 1898.

The conference has just closed. In it we made a written reply to the peremptory question presented also in writing by the American Commissioners in the last session. Contrary to what I had reason to fear, the American Commissioners asked that the session be adjourned in order to study our answer to their question. The new conference will be held to-morrow at 2 p. m. I will write your excellency by to-morrow's post.

MONTERO RÍOS.

No. 43.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, October 27, 1898.

Supposing that Montero Ríos had given your excellency an account of the last deliberations of the Peace Commission, I did not think it necessary to inform you of the attitude of the Americans, which consists in encouraging the renunciation on the part of Spain of the sovereignty over Cuba, the latter remaining free of all debts.

As our refusal, in their opinion, will signify a rupture, by understanding with Montero Ríos I proposed to the ambassador of the United States that the question of debt remain in suspense, in order to accept or refuse the proposed solution, according as we obtain compensation in other articles of the treaty—particularly, in those relative to the Philippines. I believe that with this explanation your excellency will understand my last telegram.

LEÓN Y CASTILLO.

No. 44.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, October 27, 1898.

EXCELLENCY: On leaving the conference yesterday, which was held at 4 p. m., continuing to almost 6, I telegraphed your excellency the result.

Your excellency knows from my former dispatch that the American Commissioners, near the close of the session of the 24th, formulated in writing a question the text of which I remitted to your excellency, the object of which was to force the Spaniards to answer categorically whether or not they were disposed to approve the articles relative to the renunciation and cession of the sovereignty of the Antilles, without mention of the transmission of the colonial debts. Your excellency also knows that, in view of this question—which is tantamount to an *ultimatum*, with imminent danger of rupture of the negotiations, and in consequence the probable renewal of hostilities—I convoked, immediately after the termination of that conference, the members of the Spanish Commission, in order to deliberate upon the line of conduct to be followed.

The American Commissioners had not taken into consideration, and had not considered as sufficient, the answer I had given at the time to the question of their president—that is to say, that the Spanish Commission was not able to reply categorically to the question made, because its definite resolution would depend upon other stipulations which the treaty would contain.

In such a strained situation I went to see our ambassador and informed him of the matter, and suggested to him the utility of his having an interview with the ambassador of the United States, making clear to him the imminence of a rupture, the unjustified position of the American Commission, and the unenviable situation of the United States before the world if the conflict were renewed on such grounds.

The ambassador received my proposal with the greatest interest and went immediately to see the American ambassador, who, recognizing the importance of the communication, offered to talk yesterday morning with the president of the American Commission and afterwards to give an account of the result of his conversation.

This was done, the ambassador expressing regret that he could not convince said president, and therefore according to his judgment the rupture was imminent if the Spanish Commissioners did not accede to the plan proposed by the president of the American Commission.

The Spanish ambassador had the kindness to come immediately to communicate to me this regrettable opinion of the representative of the United States, and I then read the written answer to the American question which the Spanish Commission intended to give in the session of yesterday. It met with his approbation.

In this condition of affairs the conference opened at 4 p. m., and I presented in writing said answer, which is shown in the protocol inclosed and which previously had received the approbation of my worthy associates.

My expectations concerning the effect of this answer up to this time are not disappointed, as the American Commission, notwithstanding that their interpreter translated at the time into English the answer as read, proposed to adjourn the session until to-day in order to study more attentively the document which had just been read, and at 2 in the afternoon the conference would again convene.

I believe the situation to which we have at last arrived is impregnable, and that we will be able to force them to declare their intentions regarding the Philippine Archipelago.

If after a discussion of this second important phase some compensation is not made for the Cuban debt, and if, in addition to this injury inflicted on Spain, the United States should demand their claims regarding the Philippine Archipelago, I will propose to the American Commission a suspension, for the purpose of consulting His Majesty's Government, and in the meantime I will call together the Spanish Commission and solicit their opinion on the subject, showing the Commission (for until now I have not done so) the instructions of His Majesty's Government accepting the proposal which I had the honor to make in confidential letter No. 5, addressed to your excellency the 18th of the month, and I will at once communicate to you the opinion of my worthy associates, to ascertain if the Government in its wisdom would desire to modify the instructions given me. If those instructions are confirmed, I will work on their bases, since I am still of the mind that it is the only road which prudence, combined with dignity, leaves Spain in facing a conqueror

who would overthrow in this case the most elementary and sacred precepts of justice.

As the memorandum last presented by the Spanish Commission (a copy of which I send your excellency) provided for the right to amend and amplify it, according as it was thought best after the oral discussion, and as was agreed upon in the conference of the 24th instant, I added to the same the three paragraphs marked in the margin with red pencil in the new copy I send your excellency, hoping that it will meet with your approbation.

With regard to the most important, the mortgage debt of Cuba, the thought came to me to leave to be satisfied in the future, if confronted by the United States and her creditors, the right of Spain not to respond to that debt, except in a subsidiary manner; and then only in so far as the principal debtor, or the holder of the taxes pledged, may be insolvent. This saves the right of our country, yet leaves entire her liberty to place her obligations elsewhere if the circumstances or considerations of government so advise in the future.

On the other hand the paragraph added was also intended to give notice to the United States that for the United States to gain their ends there are more obstacles than those which Spain presents, inasmuch as they will have to reckon with the claims of the holders of the mortgage debt.

Last night I received the copy of the telegram from General Ríos which your excellency was pleased to communicate to me, giving notice of the desertion of part of the native forces. This event is certainly not favorable to the efforts this Commission is making, and its inopportunity is very marked.

This Commission nevertheless will continue struggling with all these misfortunes, unshaken in its design to save from shipwreck the interests and, to the last, the dignity of the country.

Dios, etc.,

EUGENIO MONTERO RÍOS.

[Inclosure: Protocol No. 9, printed on page 60, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 45.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 16.]

PARIS, October 27, 1898.

To-day the conference was held with a result relatively satisfactory to what was expected. The American Commissioners agreed that the approbation of the articles of the protocol relating to Cuba and Porto Rico without mentioning in them the colonial debts

should be conditional, we Spaniards reserving the right to dwell opportunely upon such debts during the discussion of the treaty, and they proposed to present in the next conference their propositions in relation to the Philippines, acceding entirely to our proposition of yesterday.

They agreed also that it would be set forth in the treaty that the cession of Porto Rico is in payment of the expenditures of war and damages suffered by American citizens in the last Cuban insurrection. They ask that a new conference be not held until Monday, in order to present at that time their Philippine proposition. I will write by to-morrow's post.

MONTERO RÍOS.

No. 46.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *October 28, 1898.*

EXCELLENCY: As I have manifested to your excellency by telegraph, conference No. 10 was held yesterday.

The American Commissioners did not insist that we answer categorically and definitely their question regarding the debt of Cuba, the which resulted in conformity to our written answer of the day before. Their comportment was on the same basis during all the session.

They asked us if we found it inconvenient to approve, although it might be in a provisional manner, their proposition in regard to the first two articles of the treaty, which, as your excellency knows, are a reproduction of the first two articles of the protocol of Washington. I at once answered that in accordance with what is set forth in the answer in writing on this point, which the Spanish Commissioners had presented in the preceding conference, we had no objection to accepting these articles conditionally—that is, with the provision that their definite acceptance on our part would depend upon the other stipulations made in the treaty; adding that on account of the resemblance which the first article of the second American proposition had to the first paragraph of the second Spanish proposition there was sufficient reason why we would not find it inconvenient to give our provisional approbation. But I said that we reserved the right to present during the conference (if we considered it desirable), as a draft for an article, the second paragraph of the first of ours, if it was not approved, and we said the same in regard to the second paragraph of article 2 relative to the colonial obligations.

They agreed to our answer, so that the question relative to the Cuban debt is now suspended, the American Commission not having succeeded up to this time (in spite of their demands) in inducing the Spaniards to desist from insisting that the debt shall remain to the charge of the colonies.

They asked us afterwards if we objected to accepting the article of their first draft relative to the delivery of the archives and papers. We answered that as there was little difference between the articles of the drafts of both Commissions in regard to this detail we saw no objection to proceeding to a comparison and discussion of both in order to come to an agreement as to the slight differences which might exist between them.

This being accepted by the American Commission, their president proposed that we commit this work to the two general secretaries of both Commissions, they to submit to the approbation of the conference the draft of articles agreed upon. We accepted this proposition.

I thought it best to ask them if they were disposed to admit as an amendment to article 2 of their project, or in another, a provision that the cession of Porto Rico and other islands of the Caribbean Sea, and of Guam in the Marianas, was in payment of the expenses of the war and an indemnification of the prejudices which American citizens had suffered in the last Cuban insurrection. After a slight discussion they replied that this might be stated in the treaty.

As they said nothing regarding the request contained in our written answer presented in the last conference—that they present at once their proposition in relation to the Philippine Archipelago—we asked them again yesterday that they make it. They replied that they were disposed to do so, but were not able to make the proposition at this time, and suggested that the session adjourn and in the next conference, which will be held Monday, the 31st, their proposition would be presented. This was agreed to.

As your excellency will observe, it has been brought about at last that they accept the course which reason, good order of discussion, and perhaps mutual convenience, at least the convenience of Spain, had lately counseled us to present in the aforesaid written answer, namely, to subordinate the question of the Cuban debt to the understanding we may arrive at regarding the Philippine Archipelago, because, perhaps, in this understanding Spain may be able to obtain advantages sufficient to compensate her for assuming all or part of the Cuban debt; and if this does not happen, we will still be in a position to continue to maintain our evident right (which we have not waived a particle) that the debt pass with the colonies.

I believe this dispatch will convey to your excellency and to His Majesty's Government an agreeable impression, because the result has been to continue to maintain the position which, from the commencement, the Spanish Commission has held regarding the colonial debt, the American Commission recognizing the unreasonableness of their proposition that our position with regard to the colonial debt be withdrawn merely on their demand. At present all depends upon the question relative to the archipelago.

It is probable that they have asked an adjournment until Monday in order to receive instructions from their Government.

I inclose with this dispatch a copy in English and another in Spanish of the answer the American Commission made to our last memorandum in yesterday's session.

This is all I can state to your excellency to-day.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 10, printed on page 93, S. Doc. No. 62, part. 1, 55th Cong., 3d sess.]

No. 47.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 17.]

PARIS, October 31, 1898.

From reliable sources I hear steps are being taken in Cuba to transfer to Spain the general archives of the island. As disposition and delivery of said archives are the subject of an article of the treaty now pending, I call the attention of your excellency to the gravity of disposing of them without observing the terms which are stipulated and pray your excellency that you will have the proceedings, which might be interpreted as a lack of good faith on the part of Spain, suspended.

MONTERO RÍOS.

No. 48.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 18.]

PARIS, October 31, 1898.

Conference was held to-day. The American Commission presented proposition demanding cession of the whole Philippine Archipelago. We reserve the right to reply at the next conference, Friday, November 4.

MONTERO RÍOS.

No. 49.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 15.]

MADRID, *October 31, 1898.*

Received telegram No. 18. Will your excellency please send by telegraph concise extract of the American proposition demanding cession of Philippines, in order that it may be placed before the Council of Ministers, which will be held to-morrow (Tuesday) in the afternoon. I should inform your excellency that the French ambassador, through me, delivered to the President of the Council of Ministers (under instructions from his Minister for Foreign Affairs) a statement of the holders of the Cuban debt, urging consideration of their rights in conformity with the guaranties in said debt. The French ambassador informed me that the American Commission would receive from his Government due notice. I send you by post the referred-to statement which will be of importance in support of the doctrines sustained by us in the deliberations of the Peace Commission.

ALMODÓVAR.

No. 50.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 19.]

PARIS, *November 1, 1898.*

Received this morning your excellency's telegram No. 15. American proposition of yesterday states:

Spain by this article cedes to the United States the archipelago known as the Philippine Islands, situated between the following lines: (Here follows the longitude and latitude, according to the meridian of Greenwich, in whose perimeter is comprehended the archipelago). Appropriate statement may be inserted in the articles of treaty of the proposed cession in regard to the public property, archives, and notarial documents in the territory which Spain cedes, or the sovereignty of which is renounced. The American Commissioners agree, besides, to state that they are disposed to insert in the treaty a stipulation by which the United States will assume any debts of Spain contracted for public works or benefits of a pacific character in the Philippines.

By the post of to-day I remit your excellency a full copy, and write you confidentially and officially. I am informed as to the remonstrance of the French holders of the Cuban debt. I am pleased at the intervention of the French Ministry, of which I also had due notice.

MONTERIO RÍOS.

No. 51.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 16.]

MADRID, *November 1, 1898.*

I beg you give me the degrees of longitude and latitude which include the territories demanded by the American Commission.

ALMODÓVAR.

No. 52.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 20.]

PARIS, *November 1, 1898.*

Received telegram No. 16. The territory is bounded in the following manner: "A line running along the parallel of latitude $21^{\circ} 30'$ north from the 118th to the 127th degree meridian of longitude east of Greenwich; thence along the 127th degree meridian of longitude east of Greenwich to the parallel of $4^{\circ} 45'$ north latitude; thence along the parallel of $4^{\circ} 45'$ north latitude to its intersection with the meridian of longitude $119^{\circ} 35'$ east of Greenwich; thence along the meridian of longitude $119^{\circ} 35'$ east of Greenwich to the parallel of latitude $7^{\circ} 40'$ north; thence along the parallel of latitude $7^{\circ} 40'$ north to its intersection with the 116th degree meridian of longitude east of Greenwich; thence by a direct line to the intersection of the 10th degree parallel of north latitude with the 118th degree meridian of longitude east of Greenwich; and thence along the 118th degree meridian of longitude east of Greenwich to the parallel of latitude $21^{\circ} 30'$ north."

The demarkation does not comprise either the Marianas or Carolinas. Have asked of the embassy here our boundary treaty with Japan to ascertain if the limits to the north fixed in the American proposition touch the waters of Japan according to said treaty.

MONTERIO RÍOS.

No. 53.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 17.]

MADRID, *November 2, 1898.*

Received telegram No. 20, and I note that the American demand comprehends not only the Philippine Archipelago, but also Visayas,

Paragua, Jolo, Mindanao, and even Batanes and Babuyanes. Such demand, and the form in which it is made, exceeds the greatest extreme imaginable in the claims of the United States. Your Commission, as well as the Government, will certainly form a similar judgment in regard to it. The Council of Ministers did not meet yesterday. I have given an account of your excellency's telegram to the President.

ALMODÓVAR.

No. 54.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, November 1, 1898.

MY DEAR SIR: This morning I received and have just translated your excellency's telegraphic dispatch No. 15, answering mine of yesterday, in which I gave an account of the conference then just concluded.

I have answered by telegraph, transmitting literally to your excellency the proposition presented yesterday by the American Commission, and I send inclosed a copy of the protocol.

Truly the said proposition, which is wholly outside the protocol of Washington and in contradiction to its provisions, causes amazement, because, as it is drawn, it is equivalent to proposing to Spain that she present to the United States the Philippine Archipelago, doubtless as a demonstration of our gratitude for its course in the Cuban question.

Next Friday we will make written reply, so that it may form part of the general protocol of the conferences, and, without prejudice, summarily set forth in it what we understand the dignity and interest of our country demand. I begged your excellency in the telegram (and repeat in this dispatch) that you on your part will please telegraph me positively the final instructions of the Government, as you may desire us to add to or modify the answer which is inspired by our convictions and sentiments.

It may be supposed that the powers of Europe, especially England, Germany, and Russia, will be surprised at such an enormous demand of the American Government, which will not be found very much in harmony with the interests of each in the extreme Orient.

* * * * *

Dios, etc.,

E. MONTERO RÍOS.

No. 55.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 21.]

PARIS, November 2, 1898.

We do not find in the embassy the treaty with Japan of August 1, 1895, in regard to boundaries. I beg your excellency to please send the Gazette which contains it, and immediately telegraph me the number and year of said Gazette, so we may search here.

MONTERO RÍOS.

No. 56.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 18.]

MADRID, November 2, 1898.

Declaration of Japanese boundaries of August 7, 1895, was not published in the Gazette. Was printed in the Boletín of Ministry of State August, 1897. I send by to-day's post a copy.

ALMODÓVAR.

No. 57.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, November 2, 1898.

The ambassador of the United States, with whom I have talked at length, told me that the American Commissioners had received positive instructions to demand the cession of the Philippines; that it was agreed in the beginning to give Spain a compensation. What has not been determined (as he added) is the amount of the compensation. This will be fixed upon by the delegates. My views are the same as I communicated to your excellency at the beginning of the peace negotiations. The intention of the Americans is to deny the Cuban debt and purchase the Philippines for the least sum possible.

LEÓN Y CASTILLO.

No. 58.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 19.]

MADRID, November 3, 1898.

Considering it necessary to have the text of dispatch No. 30 of your excellency, in order to intelligently meet the situation, I

have waited until this moment to give telegraphic answer, as your excellency asked in your telegram No. 19. The Government thinks, as does your excellency, that the Americans, in demanding the cession of all of the archipelago, with the exception of the Carolinas and remainder of the Marianas, are attempting to open a negotiation to acquire them by means of a pecuniary compensation to Spain, it being possible that there is a purpose to reduce said compensation to the smallest sum possible. According to the judgment of the Government, the renunciation of sovereignty in those territories is not deemed advisable; on the contrary, we should make every effort to preserve it in order to dispose of them afterwards in the form that may be deemed most to the public interest. The maintenance of this principle conforms to the letter and spirit of the protocol, and accordingly the first position of defense should be the execution of what is stipulated in that preliminary agreement, demanding that the United States present their propositions within the limits of the common understanding set forth in that document. It is nevertheless not presumable, their excessive claims being known, that the American representation will be withdrawn. In case a negative is deemed probable, a second line of defense may be undertaken, on the basis of Spain contracting the renting of these colonies to development companies, under conditions which safeguard all interests. If the United States responds to this second answer of Spain with a negative, insisting upon the cession in their favor, it will be timely to demand a suspension in order to consult the Spanish Government in regard to the proposal. When the Spanish Commission finds itself completely outside what was stipulated, they should rejoice in not having instructions. Meanwhile, we shall see if the American elections by new conditions change the aspect of the negotiations. Through our ambassador you will have notice of other steps being taken.

ALMODÓVAR.

No. 59.

The Minister of State to His Majesty's Ambassador in Paris.

[Telegram.—Translation.]

MADRID, *November 3, 1898.*

In the telegram of to-day to Señor Montero I communicated to him the impressions of the Government regarding the method of continuing the negotiations relative to the Philippines. I set forth three alternatives: First, to demand the strict compliance of the protocol, maintaining the sovereignty of Spain and her right to dispose of the archipelago subsequently as her interests may advise;

second, this not being admitted, as it assuredly will not be, to propose cession in the way of lease to development companies, combining satisfactory bases for all concerned; third, the second proposition being also refused, and the Americans insisting upon cession in their favor, the Spanish Commissioners to suspend sessions in order to receive instructions from their Government. By means of these alternative propositions we shall be able to continue [the negotiations] during the month until we see if the horizon improves. I consider, as does your excellency, that the intention of the Americans is to annex everything of value in the colonial empire of Spain with the least sacrifice possible, and we should exert ourselves to prevent this.

ALMODÓVAR.

No. 60.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 22.]

PARIS, November 4, 1898.

Conference held. We presented counter proposition, contending with the American Commission and asking that they present another proposal in conformity with paragraph 3 of protocol, and besides that there be provided in treaty the immediate liberty of garrison of Manila; restoration of the place, public properties, and public funds captured and collected, with obligation to indemnify Spain for damages suffered by the taking of Manila and acts of American authorities. After informing themselves of our proposition (translated into English) they asked time to decide, and proposed that a new conference should be held Tuesday, the 8th. Second line of defense in telegram of your excellency received last night gave grounds for observations and doubts on the part of [our] Commission, which I will explain in dispatch to-morrow, strongly urging upon your excellency telegraphic answer to the same, as it is urgent.

MONTERO RÍOS.

No. 61.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, November 5, 1898.

EXCELLENCY: Not receiving day before yesterday in the early evening the instructions of your excellency, I devoted myself, on account of the pressure of time, to drawing up a proposition, endeavoring to demonstrate in it the lack of foundation for the

American claim for the cession of the Philippines, and besides the plain right Spain has to demand of the United States not only the liberty of the Manila garrison, but the return of the place on the signing of the treaty of peace; as also the restitution of the public funds seized by the American military authorities, the taxes collected, and the payment of an indemnification for the damages which the taking of Manila and its consequences occasioned Spain.

At 10 o'clock at night, after this document had been drawn up, I received your excellency's telegram No. 19, in which you are pleased to give me for this Commission instructions relative to the Philippines. It arrived opportunely, for I had thought to conclude my work by stating to the American Commission that, although their proposition was not admissible, on account of being contrary to what is agreed in the protocol, if the United States was desirous of acquiring the Philippine Archipelago, it would be proper to present any points desired for free discussion and acceptance or rejection by the Spanish Commission as might seem to be to the advantage of our country; and that although the protocol binds one of the parties to heed what the other desires to reserve, the two have perfect right by common agreement, if they may so desire, to modify any of the clauses of the protocol. The telegram of your excellency caused me to suppress this last part of my document.

In it, as your excellency will see by the copy attached, which I inclose, I have tried to demonstrate to the American Commission the injustice of their pretensions; especially that Spain could not agree to anything having for its object the diminution, or much less the disowning, of the rights of the mortgage creditors of our colonial debt, and the perfect right which Spain has to make claim upon the United States in consequence of what was done at Manila by the army, as I have just indicated to your excellency.

This document being drawn up, I informed my worthy colleagues of its contents, to which they were pleased to give their approbation.

As agreed upon, the conference was held yesterday at 2 p. m. The Spanish Commission stated that they were not able to accept the American proposition, and presented the referred-to document. The American Commissioners immediately asked that it be translated into English by their interpreter, and, the translation having been made, they said it would be necessary to make a careful study of it, and proposed that the session be suspended until the 8th, which was agreed to.

This proposal is a further indication for me to continue believing that the American Commissioners are not allowing the near date of the general elections in the United States to regulate their course.

The conference terminated, I informed my worthy colleagues of the last telegram of your excellency, and after mature deliberation it has been agreed to call the urgent attention of your excellency and of His Majesty's Government to that which your excellency was pleased to advise as a second alternative in case the American Commission persist in demanding the cession of the archipelago.

Your excellency was pleased to instruct us, in such a case, that we propose to the American Commission, as a second line of defense, the leasing by Spain of the Philippine Archipelago to a development company under conditions which would leave in safety all interests.

Your excellency must permit me to say for myself and my worthy associates that according to our judgment this proposition presents a great danger. If Spain proposes to the United States the leasing of the archipelago to a development company, she impliedly acknowledges her own incapacity to administer her colony; and this admission, although inferred, is one reason more for fearing that the American Commission will avail of it in order to insist upon the cession of the sovereignty of Spain in the Philippine Archipelago.

On the other hand, if the United States has formed the resolution to acquire said archipelago, they surely will not abandon it for a proposition similar to this, which for them offers no advantages of any kind.

Added to this, even if the American Commission agree that the matter be discussed, it is natural that they inquire concerning the development company to which Spain is to transfer the archipelago by lease, the conditions of said lease, and the advantages to accrue to the United States.

Besides, as the protocol provides for discussing in the conference of Paris all that refers to the control, disposition, and government of these islands, under these three points are included exigencies which may demand conditions making it impossible for any company to accept the lease your excellency refers to.

These are the conclusions of our Commission, and with their opinion I am fully in accord, deducing from the considerations which I thus briefly indicate to your excellency that such a proposition, besides immediately presenting to all appearances a plan that will be refused by the American Commission, might offer danger in the defense of the rights of Spain, weakening the present situation, which could not be more solid in that which regards the conservation of our sovereignty in the archipelago.

The Commission charges me (and I beg of your excellency) to ask that you will please (in view of what I have had the honor to say)

give me by telegraph your definite instructions in regard to this matter, in the event that in the coming conference of Monday we shall be obliged to adopt a settled line of action.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 12, printed on page 109 *et seq.*, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 62.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 22.]

MADRID, November 7, 1898.

The Council of Ministers convened this afternoon to consider your dispatch No. 31. In view of the observations which you and the Commission have been pleased to make regarding the instructions set forth in telegram 19, our decision is to suspend all definite action until the reply of the Americans to the proposition presented by your Commission in the conference of Friday. When that conference is held I beg you to telegraph extracts of the reply to the first part of the second conclusion of the Spanish proposition. If our interpretation of the third base of the protocol is admitted by the American Commissioners—that it solely concedes to the United States the authority to concert reforms in the Philippines without impairing the sovereignty—this would offer an immediate solution which otherwise might not be possible. On this account the Government deems it necessary to know the attitude of our adversaries before finally making up its mind, although it has little hope of the admission of our first attitude. I should add, supplementing my telegram of this evening, that the interference of European interests in the questions under debate is not impossible. In any case, if the answer of the Americans is invested with the character of an ultimatum or contains an offer of pecuniary compensation for the cession of the archipelago, you will ask a suspension in order to receive instructions from the Government, alleging that it was not possible to foresee the demand, and therefore the Commission has not received instructions as to how to answer it.

ALMODÓVAR.

No. 63.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 23.]

PARIS, November 8, 1898.

Received this morning your telegram No. 22. The American Commission has just asked that the conference be postponed until 4 p. m. I answered, suggesting that it be delayed until to-morrow, or until a later day, according to their desires. On the supposition that the conference will be held to-morrow I beg you to telegraph me.

MONTERO RÍOS.

No. 64.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 24.]

MADRID, November 8, 1898.

The captain-general of the Visayas reports the following to the Minister of War:

Concentrated all the forces of Antique and Iloilo, sustaining various engagements in which the rebels had considerable losses, with few on our part, under complete order, without loss of arms or effects. In Passi, 22 men, with Sergeant Aquilino Martín Gómez (for whom I ask of your excellency promotion to second lieutenant), defended themselves three days against large bodies of rebels, until succored by three relief columns. The insurgents advanced large bodies, taking possession of the towns near by this capital, which I recovered next day, driving the enemy to a distance and adopting means for the defense of Iloilo. Reenforced capital of the Province of Antique with infantry and the gunboat *Elcano*. No change at Capiz. In Cebu there are a number of parties. Communication cut. According to cable just received, the island of Negros is in insurrection. Ordered governor to concentrate forces, defending himself in capital of the province, and reenforced him with 60 men. Nothing new in the rest of the archipelago. All the parish priests ask permission to retire to Manila, which I have granted. Employees of cable company ask to leave their stations. Will try to attend to the more urgent matters by boats. As previously advised by Otis and Dewey, the cruisers *Charleston* and *Concord* arrived yesterday with white flag. The commanders stated the object of their voyage to be to salute me courteously in the names of those generals and ask the opening for the coasting trade of two ports in Samar and one in Leyte, which I conceded, reserving the approbation of the Government under guaranty to not import anything likely to alter the public order, and by Spanish or American captains. They said they would shortly remit inventories which your excellency indicated, expressing regrets on account of circumstances for not having saluted the place, and invited me to visit the *Charleston*, so as to then do the honors which they desired. I answered that I was obliged but was prevented by the laws of the Indies, but that the chief of my staff would go in my name. This was done this morning, and after the reception, at his departure, our flag was run up on the *Charleston* and saluted with 21 cannons, which, in spite of having surprised me

after what had been said, was answered punctiliously from Cotta by two pieces of mountain artillery I had there. Received this morning cable of your excellency. Sent verbal message in proper form by commander of *Charleston* to General Otis regarding what your excellency indicates, although I believe it difficult to bring troops here on account of the American Government not acceding to the efforts General Jádenes said he had made. Native troops continue deserting, but, on account of precautions taken, are without arms.

RÍOS.

ALMODÓVAR.

No. 65.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 24.]

PARIS, November 9, 1898.

Received telegrams Nos. 22 and 24. A session was held to-day in which the American Commission presented a very long memorandum in English. Session adjourned until Saturday, when we will reply, if possible. They absolutely refuse all our propositions, insisting upon the cession of the archipelago. Their arguments are very weak. I will send your excellency a copy of the document. I beg your excellency to have the kindness, if possible, to give me by telegraph the instructions asked in relation to what is said in our last proposition about the mortgage debt of Cuba and the Philippines, and anything else your excellency may consider opportune.

MONTERO RÍOS.

No. 66.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 25.]

PARIS, November 10, 1898.

I urgently beg your excellency to send me immediately, if possible, by the post of to-day all the notes which passed between the Governments of Madrid and Washington from August 12 until to-day.

MONTERO RÍOS.

No. 67.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 25.]

MADRID, November 10, 1898.

The documents asked for by your excellency leave by to-night's post.

ALMODÓVAR.

No. 68.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 26.]

MADRID, November 10, 1898.

Answering your telegram No. 24 in regard to the request for instructions from the Government relative to what is set forth by our Commission in the last proposition presented to the Americans concerning the mortgage debts of Cuba and the Philippines, I have the honor to give your excellency the decision of the Council of Ministers at the meeting of yesterday. The grounds for opposing the American demands contained in the arguments of our plenipotentiaries are the same as those which the Council of Ministers hold—that Spain is not able in any case to accept responsibility for the colonial mortgage debts, except to the extent which the conditions of the creation of said debts oblige. Therefore, if the Americans refuse all stipulations respecting the debt of Cuba within the principles set forth by us, the Commission will declare that the right is reserved to treat with the definite government of that island, solemnly declining all responsibility as to the claims of the creditors of said debt which may arise. The Government approves the firmness with which your Commission maintains the sovereignty of Spain in the Philippines, and does not find any reason for receding from this attitude. Force, alone, which we can not resist, would oblige us to submit to the loss, but not until exhausting every other means to guard our rights.

ALMODÓVAR.

No. 69.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 26.]

PARIS, November 11, 1898.

Received last night your telegram No. 25, announcing the forwarding of communications since the protocol. I beg your excellency to also send the correspondence prior to the protocol, since July 22, showing letter of Day to Cambon, sending him protocol August 10, because your extract in Cambon's dispatch of August 11 does not suffice. In the Spanish Commission meeting last night it was agreed to call the attention of your excellency to the possibility of a rupture in closing written discussion regarding the Philippine cession. The American Commission might properly reserve to itself the right to answer in the succeeding session the memorandum

we will present in the next; but if their design is to rupture the conference, they might decline this right. In case a rupture be imminent, in spite of all we may do to prevent it, the Commission urgently begs instructions from your excellency. According to its opinion, it would be possible in such an extreme case to propose arbitration in order to determine the correct reading of clause 3 of protocol respecting sovereignty in the Philippines, Spain thus avoiding moral responsibility for the rupture of conference. The speech of Lord Salisbury makes it possible to foresee grave dangers in the Philippine question. On this account once more I beg instructions from Government of His Majesty to meet the situation foreseen in this telegram.

MONTERO RÍOS.

No. 70.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 27.]

MADRID, November 11, 1898.

Received your telegram No. 26, which urges me to answer in regard to instructions in case the Americans may attempt rupture of negotiations in conference of to-morrow. Not knowing the arguments adduced in proposition presented Wednesday in support of the demand for the cession of the Philippines, and ignorant therefore of the reasonings which determine the interpretation of third clause in the sense that it authorizes the annexation of the whole archipelago by them, I lack data sufficient to judge regarding the firmness with which they present their petition. I suppose that your excellency does not consider it probable that they may withdraw from their position, and for this cause believe the discussion relative to the Philippines will terminate in session of to-morrow. If this happens it is fit to use the measure your excellency indicates, proposing arbitration for the interpretation of the referred-to clause, in view of the fact that it is not possible to reconcile the views each party holds as to its construction. It is probable they may refuse the plan so proposed, but if this occurs I would ask suspension in order to solicit instructions from the Government, on account of the demand for the cession of the Philippines not having been foreseen.

ALMODÓVAR.

No. 71.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *November 10, 1898.*

EXCELLENCY: As I telegraphed your excellency last night, yesterday at 2 p. m. the conference was held as announced, the president of the American Commission delivering to me an extensive memorandum, of which I send your excellency a copy.

As was indispensable, we reserved to ourselves the opportunity of studying it, so as to give to the American Commission the answer we thought would be proper in the matter, appointing Saturday, the 12th, for the new conference, and if not possible for the Spanish Commission to prepare its answer for that date, it would be transmitted to the American Commission as soon as possible.

I presume, although I am not certain, that inasmuch as the document of the American Commission refers to the negotiations which have taken place between the Government of Madrid and that of Washington from the signing of the protocol until now regarding the taking of Manila and other incidents occurring in the Philippine Archipelago, it will be indispensable to us to have such negotiations before us in order to form our ideas regarding the answer to said document. Therefore I have just telegraphed your excellency urgently asking copies of the said negotiations, and although they may be remitted by your excellency in the post leaving Madrid to-night they could not arrive in Paris until Saturday morning. It therefore appears to me very difficult, if not impossible, that our answer be prepared by 2 p. m. of the same day. Your excellency will observe that if the document of the American Commission is voluminous it does not abound in reasons. The principal part of it consists of a relation of the negotiations in Washington preparatory to the protocol—a relation which does not accord with the tenor of the dispatches of Mr. Cambon, ambassador of France, who upon that occasion represented Spain.

The principal of these refutations consists in saying that in the note of your excellency of August 7, referring to the reservation of the sovereignty in the archipelago which the Spanish Government made concerning the construction of the third basis proposed by the United States for peace, the adjective *total*, which is in the copy of said note which your excellency was pleased to deliver to me, is not present. Although the reservation of sovereignty then made by Spain may suffice, in order that the truth of the affirmation set forth by this Commission in the document presented to the American Commission in the session of 4th instant remain beyond

doubt, the refutation of the American Commission does not lack relative importance, at least with regard to the exactitude of the copy of this Spanish document to which the mentioned proposition of this Commission refers.

But as groundless as the demand of the United States appears, it is certain that their Commission will sustain it absolutely and unconditionally. A truly singular situation will thereupon result. The American Commission affirms that the question relative to the conservation of the sovereignty of the archipelago by Spain or its transfer to the United States is a question to be settled in these conferences by the two Commissions. Therefore, if the Spanish Commission insists that the sovereignty of the archipelago must continue to appertain to Spain, or, on the other hand, if the American Commission persists in claiming it for the United States, it is clear that this grave question can not be settled in these conferences, and that therefore the United States will have only the right of force to possess itself of the archipelago.

A more singular and exceptional situation does not occur to me. But, in view of the impossibility of resolving so important a question in these conferences, this question might be reserved for direct convention between the two Governments, or, better than this, might be submitted to an impartial arbitration, politically and technically competent.

I beg your excellency, therefore, with the urgency proper to the case, to be pleased to give me the instructions of His Majesty's Government upon this point (which is truly critical), because from it might result either rupture or the continuation of these conferences.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 13, printed on page 128 *et seq.*, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 72.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 28.]

MADRID, *November 12, 1898.*

Dispatch No. 32, with its inclosures and confidential letter of your excellency No. 15, received to-day. I have reported the matter to the President of the Council. In view of what your excellency has been pleased to communicate, and the American answer, we now understand the grounds upon which the Americans base their demand for the cession of the Philippines. Said grounds being more favorable for submitting the question to an arbitration than

to adjust it by a direct negotiation between Madrid and Washington, we entirely agree with your excellency in proposing, if the discussion between the Commissions is exhausted without coming to an understanding, the proposition of arbitration to settle the conflict. The Americans have no grounds for demanding the annexation of the archipelago by invoking rights to the sovereignty as set forth in the protocol; neither have they rights enabling them to raise the question in the manner they have, construing that the protocol left undetermined the future sovereignty of these territories, the question being committed by virtue of the protocol for adjudication to the negotiations of Paris. As it is almost certain that the Americans will persist in their interpretation, and we in ours, the first point of exhaustion of arguments which your excellency foresees will arrive, and then it will be opportune to propose arbitration. I greatly fear that they will not admit it, because the opposition to interference in the negotiations with Spain has been constant; aside from the sound reasons they would have of supposing a result in our favor from impartial arbitration. In this case, with a view of not rupturing the negotiations, I reiterate to your excellency the suggestions I had the honor of making in my telegram of yesterday regarding a demand for suspension.

ALMODÓVAR.

No. 73.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 29.]

MADRID, *November 12, 1898.*

Respecting documents asked for by your excellency in telegram No. 26, I am able to say that the copy of the letter of Day to Cambon was sent complete by post, and should be in the hands of your excellency to-day. In regard to the negotiations previous to the signing of the protocol (since July 22), they were all made by telegraph, and the duplicates of the telegrams exchanged were all delivered to the Commission before its departure. If by chance I have not understood your excellency I beg that you will correct me, explaining what other documents you desire.

ALMODÓVAR.

No. 74.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 28.]

PARIS, *November 16, 1898.*

The conference has just closed. We presented in our document the reply to the last American memorandum, our memorandum

sustaining propositions which in the last conference were refused by the American Commission. If the American Commission sustains proposition for the cession of the archipelago, we have determined to propose arbitration in the matter of the interpretation of Articles III and VI of protocol. The American Commission proposed adjournment until Saturday for translation, study, and answer of our documents, without prejudice to proposing a new adjournment if they have not time by Saturday. We have accepted proposal. I send your excellency by this post copy of document presented to-day by us. Will write to-morrow.

MONTERO RÍOS.

No. 75.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, November 17, 1898.

EXCELLENCY: As I stated to your excellency, yesterday afternoon the conference was held, the session continuing but a short time, because it was limited to the presentation on the part of the Spanish Commission of a double document containing the reply to the last American memorandum and our own memorandum in support of the proposition the Commission of the United States had refused in the previous session. A copy of its text is annexed to protocol No. 14 sent your excellency.

This Commission finally proposed in the said document that if the United States persists in demanding the Philippine Archipelago good faith on the part of both high parties demands that the right interpretation of Articles III and VI of protocol be submitted to an arbitration, as soon as it is shown that the conference of itself can not arrive at an agreement as to the American proposition.

The Commission of the United States asked that the session adjourn on account of having to make a detailed translation of the document which was presented to them, to study it, and to prepare to answer it in the next session, which by proposition of this Commission was agreed would be held next Saturday, the 19th, and if not having then concluded their labor they would propose to the Spanish Commission the further time it would be necessary to adjourn the meeting. This Commission will be much pleased if, after reading the referred-to document, the Government of His Majesty considers that it has observed its instructions.

Dios, etc.,

E. MONTERO RÍOS.

No. 76.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 29.]

PARIS, *November 19, 1898.*

By petition of the American Commissioners the conference appointed for to-day is put over to next Monday at 2 p. m.

MONTERO RÍOS.

No. 77.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 30.]

PARIS, *November 21, 1898.*

The conference was held, the American Commissioners delivering a short memorandum, which terminates with the following proposition:

First. The United States will give to Spain for the Philippine Archipelago \$20,000,000, to be paid in accordance with the terms fixed in the treaty of peace.

Second. It being the policy of the United States to have open door to the commerce of the world in the Philippines, Spanish vessels and merchandise will be admitted in the ports of the archipelago under the same conditions as American vessels and merchandise for a number of years, which will be fixed in the treaty.

Third. All classes of claims, private and national, which have arisen since the commencement of the last Cuban insurrection, up to the conclusion of the treaty of peace, will be mutually relinquished.

If these conditions are accepted, the proposition agrees to celebrate a treaty of peace, in which will be especially agreed—

First. In regard to religious liberty in the Carolinas as agreed in 1886.

Second. In regard to the liberation of prisoners which Spain holds for political offenses in Cuba and the Philippines.

Third. In regard to the acquisition of one of the Carolinas called indiscriminately Kusaie, Ualan, or Strong's Island, and the right to land cables in other places under Spanish jurisdiction (not stating what these may be).

Fourth. The renewal of certain treaties heretofore existing between Spain and the United States (not saying which they are).

In the American memorandum the 28th next is fixed as the time for accepting this proposition by the Spanish Commission. Our Commission having convened, Señors Abarzuza and Villa-Urrutia

were of the opinion that this proposition was an ultimatum, characterized by the positive limitation of time to the 28th instant and by the definite qualifications of the American proposal. In respect to the contents of said proposition and the utility of accepting or refusing it, Señors Abarzuza and Villa-Urrutia would refer it to the prudence and resolution of the Government. Señors Garnica and Cerero having in mind the insignificance of the pecuniary compensation offered compared to what Spain loses, and the vagueness of the offer made on the point of commercial clause, and that to admit said pecuniary compensation would weaken the situation of Spain in regard to the question of the colonial debts, judge it to be best to not accept the proposition with regard to the offer indicated. I believe that the American proposition is much more prejudicial than beneficial, and that it would be best for Spain as an ultimate proposition to offer to the United States gratuitously the Antilles and Philippines, with the provision that the colonial obligations shall pass with them; or the United States insure to Spain the necessary sum, so that she may cover these obligations if they remain at her charge. If the United States does not accept this proposition it is preferable to leave the Antilles and Philippines to them, because of lack of resources to defend them, and to terminate the negotiations without a treaty of peace. Next Wednesday is, at my suggestion, fixed upon for answering American proposition and without prejudice to adjourning session later if this is necessary to the Spanish Commission. I beg your excellency in the most urgent manner to send ultimate and definite instructions.

MONTERO RÍOS.

No. 78.

The Ambassador of His Majesty in Paris to the Minister of State.

[Telegram.—Translation.]

PARIS, November 22, 1898.

Mr. Whitelaw Reid wrote me this morning, asking an appointment to talk to me of an important matter. I replied I would receive him at once. He came to tell me courteously of the veritable ultimatum presented by the American delegates in the Peace Commission, which your excellency knows in detail through Señor Montero Ríos. He added that the instructions which had been received from the Washington Government were such that what to his great regret was proposed to-day were their final words. I thanked him for the information, but answered nothing, all discussion being now unprofitable and fruitless, under the circumstances.

LEÓN Y CASTILLO.

No. 79.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 32.]

MADRID, *November 22, 1898.*

At daylight to-day the telegram No. 30 of your excellency arrived, and this morning I read same to the President of the Council. We will meet this afternoon to come to an understanding, as solicited by your excellency. A telegram from the ambassador ratifies the conception of ultimatum which may be attributed to the American memorandum. Its character was confirmed to Señor León y Castillo by the declaration of Mr. Whitelaw Reid. I abstain from expressing an opinion beforehand, which would now have little value (on account of being personal), in relation to the decision which may have to be adopted in the matter of signing a treaty. If it were possible to investigate the real temper of mind of the American Government in case we retire without signing, we could decide with more certainty such a grave matter. The decision of the Council of Ministers will be telegraphed your excellency as soon as the session is terminated.

ALMODÓVAR.

No. 80.

The Minister of State to the Ambassador of His Majesty in Paris.

[Telegram.—Translation.]

MADRID, *November 22, 1898.*

* * * * *

Third telegram gives account of interview with Whitelaw Reid. From Montero Ríos I had notices of the ultimatum presented yesterday afternoon. Although it was not stated positively as final, it is presumably so viewed by the Americans, according to what your visitor declared to your excellency. In my judgment it is useless now to think of defending ourselves, because the positive proof of our despoliation could not be made more evident. The Government will meet this afternoon to the end of adopting a final understanding, which has been deferred in the vain hope that our situation would improve.

ALMODÓVAR.

No. 81.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 31.]

PARIS, November 22, 1898.

I forgot to say positively in my last telegram to your excellency (although it might perhaps be deduced from its contents) that the American Commission refused proposal of arbitration. In order that your excellency might receive one day earlier my dispatch and confidential letter of yesterday, Attaché Mora left on the first train in order to catch the mail train in Burdeos; therefore your excellency will receive them to-morrow. By post of to-day I send American memorandum of yesterday, and its translation.

MONTORO RÍOS.

No. 82.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 33.]

MADRID, November 22, 1898.

Meeting of Council held. The Government thinks it will be advantageous to adjourn the conference until a definite resolution is adopted, for which decision it will be necessary to be acquainted with the documents which, according to your telegram No. 31, Señor Mora brings.

ALMODÓVAR.

No. 83.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, November 21, 1898.

EXCELLENCY: By the telegram of to-day your excellency will be informed of what I have had the honor of communicating to you in respect to the conference held this afternoon and the proposition presented by the American Commission.

There is really no reason why these conferences should not be hastened to a termination; rather what is occurring in the Philippines, the progress made there by the insurrection, and the conduct of the American authorities in the archipelago counsel putting a quick termination to the interim situation created by the celebration of these conferences. I therefore proposed to the American Commission to reassemble next Wednesday without prejudice to the fact

that if we are not prepared to answer said proposition then the session could be adjourned for the time necessary. This was agreed to.

I hope by that time I will have in my possession the ultimate and definite telegraphic instructions of His Majesty's Government which I have asked for in my former telegraphic dispatches and confidential letters, and if they have already been agreed upon it will be possible to confirm or modify them after seeing the final proposition presented by the plenipotentiaries of the Washington Government; until these instructions are received, it is clear that it is not possible to hold the next conference.

Señors Abarzuza and Villa-Urrutia consider that said proposition is an ultimatum, and that therefore the United States will not present a modification substantially favorable to Spain. I do not share this opinion. My personal opinion is as I have set forth in the telegram of to-day.

I must not close this dispatch without reminding your excellency that the United States has declared a position from which they have never desired to depart from the first session up to to-day, namely, that they must receive the colonies free from all indebtedness. This is also being sustained by their press, and, furthermore, the ultimate proposition they presented says nothing regarding this particular. Prudence counsels that it be understood in the sense indicated—that is to say, that apart from the \$20,000,000 they offer for the archipelago they will not assist, directly or indirectly, in acknowledging any debt against those colonies, nor will they aid in acknowledging obligations of any kind against the colonies of the Antilles. This is all I have to lay before your excellency to-day.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 15, printed on page 196 *et seq.*, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 84.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 32.]

PARIS, November 23, 1898.

I have just received this moment your telegram No. 33. Señor Mora placed in the mail my papers, which I suppose your excellency received to day. As your excellency directs, no conference will be held until definite instructions are received. The time set by the American Commissioners continues until the 28th.

MONTERO RÍOS.

No. 85.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 33.]

PARIS, *November 23, 1898.*

This morning I wrote the president of the American Commission asking that certain points of doubtful interpretation in the proposition they presented yesterday be made clear. I have just received the reply, in which he says:

First. The United States will not accept any colonial debt for Cuba, Porto Rico, or the Philippines, but will give \$20,000,000 for the Philippines.

Second. The immunity for Spanish ships and merchandise in the Philippines will not be exclusive for Spain, but is intended to secure this immunity for her during the time agreed, whatever may be the general policy of the United States in the interim.

Third. That the mutual relinquishment of all claims, individual and national, refers to those which by the cession of Porto Rico and the other Antilles and Guam the United States shall compensate, deducting therefore that it is Spain who now shall cancel those of hers.

Fourth. They will not oppose that in the treaty the liberty of prisoners on both sides be treated on a basis of reciprocity; and, finally, if the proposition they present is not accepted they will break off negotiations.

By to-morrow's (Wednesday's) post I will remit your excellency a literal copy of my letter, and the reply of Day, although this document does not contain anything more which appears necessary to enable your excellency to send me the definite instructions asked for. While this telegram was being enciphered I received No. 32 from your excellency. I lack means for ascertaining in a reliable and exact manner as to what the attitude of the American Government will be if Spain, in the impossibility of resisting its demands, places everything demanded at its disposition and considers the negotiations closed. As a mere conjecture I continue the belief already stated to your excellency. Without abandoning this opinion, if the Government should decide to follow such course, I ask in such a case before such decision to propose the gratuitous cession of said islands and submitting to arbitration the question whether with them should pass the colonial debts, certified as such. I firmly believe they will refuse such proposal, but it would serve as a crowning demonstration of the iniquity which characterizes the conduct of the American Government.

MONTERO RÍOS.

[Inclosures: Correspondence between Señor Montero Ríos and Mr. Day, above referred to, printed on page 215 *et seq.*, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 86.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 34.]

PARIS, *November 24, 1898.*

Not having up to now received definite instructions from the Government, and time pressing, it has occurred to me to propose to the Americans (if this Commission authorizes) the acceptance as a settlement either of the three following propositions:

First. The cession of the whole archipelago, including Mindanao and Jolo, with a compensation of \$100,000,000 for public works in all the islands of the Orient and Occident.

Second. The cession of the island Kusaie in the Carolinas, right to land cables in the Carolinas or Marianas, and cession of the Philippine Archipelago properly speaking, Spain reserving Mindanao and Jolo. Compensation on the part of the United States, \$50,000,000.

Third. Gratuitous cession of the archipelago, including Mindanao and Jolo; submission to arbitrator as to what colonial obligations and debts should pass with the islands renounced and ceded in the Orient and Occident.

I will call the Commission together to-day to ask their authorization for this proposition. If it is given me, I will communicate to-night with the president of the American Commission. Anyway, the Spanish Commission, whether or not the American Commission accept any of said propositions, will answer categorically, Monday, the 28th, on which the full Commission will convene on account of the ultimate American proposition presented. If your excellency does not approve my ideas, I beg you answer me immediately upon receiving this telegram.

MONTERO RÍOS.

No. 87.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 34.]

MADRID, *November 24, 1898.*

Received your excellency's telegram No. 34. Its contents are of a character which will not permit me to answer categorically, without the knowledge and agreement of the Council of Ministers, which will convene this afternoon. When this meeting is over and a decision is arrived at I will have the honor of communicating further with your excellency.

ALMODÓVAR.

No. 88.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 35.]

MADRID, *November 24, 1898.*

The Council of Ministers has convened. I read your excellency's telegram No. 34. It is their judgment that if your excellency and the Commission consider it suitable to make use, separately or conjointly, of the three propositions suggested it would be advantageous to make some investigation by private means which your excellency may have at your disposition, either by yourself or through our ambassador, in regard to the disposition of the American Commission as to any modification of their ultimatum favorable to Spain. The question whether a change in the position maintained up to this time would not tend to better the terms of the American proposition occupies the attention of the Government and is submitted to your consideration. In every way the Government maintains and reiterates the entire confidence which your excellency merits. To-morrow after the conference of the Council of Ministers I will transmit to your excellency definite instructions.

ALMODÓVAR.

No. 89.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 35.]

PARIS, *November 25, 1898.*

Have just received telegram No. 35 from your excellency. By unanimous agreement of the Commission, I sent the president of the American Commission the three propositions, so that they might elect either of them, but saying it was by way of adjustment. If by chance they accept none, as I fear, the position maintained until now will continue the same, and in compensation there will be given to the world one more proof of the abnegation of Spain to the limit consonant with her dignity and of the arbitrary and uncompromising attitude of the United States. I have no private and certain means of ascertaining the definite intentions of the American Commission, and understand that neither has the ambassador, but I will communicate to him at once your excellency's suggestion. I would not be surprised if the Americans made some modifications in a favorable sense in their ultimatum, but fear that although they may do this it would be of little importance. I received last night telegram No. 34 from your excellency. I anxiously await the definite

instructions your excellency promises, whether, according to your view, I should prepare documents for the session Monday. I am much pleased with the confidence the Government shows in me.

MONTERO RÍOS.

[Inclosure: Señor Montero Ríos to Mr. Day, printed on page 221, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 90.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 36.]

MADRID, *November 25, 1898.*

I have the honor to communicate to your excellency the ultimate agreement of the Council of Ministers, in case the Americans insist upon their definite proposition. The Government understands, after reading the memorandum which contains the proposition, that further resistance will be useless and the rupture of the negotiations which is threatened will be dangerous.

For these considerations, in order to avoid greater evils, the painful necessity of submitting to the will of the conqueror becomes imperative, as said ultimatum clearly implies, bearing in mind, by reason of our proposition to arbitrate, the situation of the conquered in which we find ourselves, and the submission to the dictates of force which such a situation obliges. The Government desires, now that the treaty must be signed (and notwithstanding that the clearest expressions have been given to that effect in all our documents), to draw up a severe protest as a final demonstration against the violence practiced. But although the fact that such a protest may be inferred from the whole process of the negotiations, it is to be feared that the Americans will refuse to admit it, not permitting it to be set forth in the treaty, and even possibly that it will incite them to make their attitude more extreme by new demands.

In spite of these reflections your excellency will adopt, with the prudence and caution that distinguish you, the course which in this extremity may be practicable. Perhaps the protest might be admitted in a separate paper. If every protest offers difficulties, to refuse to sign would only make the situation graver, a circumstance which the Americans would take advantage of by more severe acts, and perhaps in extreme irritation extending the effect of their action to Europe and creating difficulties in the Peninsula, if only by the threat to do so. On the other hand, imperative foresight imposes upon the Government the necessity of eliminating all cause for new complications.

Yet, putting aside as extreme these fears of evil, the Government at the same time does not lose sight of the internal state of this country, whose restlessness is due to some extent, no doubt, to the international conflict pending; its duration provoking alarm in the prudent part of the nation, which desires that it be terminated, and serving as a constant stimulant to the agitators.

Within these lines the Government confides in the skill of your excellency, who will manage to obtain the greatest advantages, political and economic. The claims set forth in the memorandum as additional, touching particularly the Carolinas, the Government does not consider acceptable; not alone regarding the cession of one of these islands, but also respecting points for landing cables, which are the beginning of further demands. Likewise, religious liberty, besides being unconstitutional, would augment the dangers in the Peninsula and risks of turbulence in the archipelago. Neither is the renewal of old treaties acceptable.

Concerning these matters which the Americans propose to discuss in the course of the negotiations, there is no urgency in answering now.

ALMODÓVAR.

No. 91.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 36.]

PARIS, *November 25, 1898.*

Have just received and translated dispatch No. 36 from your excellency. As conference will not be held until Monday, I urgently request your excellency to let no report of the understanding which is communicated to me be known in Paris. I will guard the secret religiously until Monday.

MONTERO RÍOS.

No. 92.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 37.]

PARIS, *November 26, 1898.*

I beg of your excellency to kindly answer the following questions:

First. If the Americans accept the second proposition of fifty millions, Spain reserving Mindanao and Jolo, but ceding Kusaie and rights to land cables, will it be sustained?

Second. If they accept said proposition, but without preserving for Spain Mindanao and Jolo, and ceding Kusaie and rights to land

cables, paying fifty millions or less, will it be accepted? If the Americans sustain inflexibly their proposition as their Government orders, shall we accept the twenty millions?

MONTERO RÍOS.

No. 93.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 38.]

PARIS, November 26, 1898.

I have just received Mr. Day's answer to my last letter, in which he says his Government, with regard to the last three propositions made to the American Commission, gives him instructions to adhere to his final proposition. He says that the American Commissioners have offered, in the interest of peace, all the concessions which their Government is able to give respecting the special points contained in the proposition, whose acceptance is a condition for the continuance of further negotiations; and he adds that if said proposition is accepted the points referred to in the final paragraph of the document presented by them in the last session would be a matter for negotiation, with hope of arriving at a satisfactory adjustment. Mr. Day in his letter begins by recognizing that the three propositions presented to him for the adoption of one of them were in the way of adjustment. I send by mail copy of said letter.

MONTERO RÍOS.

No. 94.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, November 26, 1898.

EXCELLENCY: In conformance with what I have stated to your excellency in telegram of this date, I inclose copy of the answer of Mr. Day, just received in answer to my letter of 23d proposing by way of adjustment the choice of one of three propositions therein set forth, of which letter I advised your excellency by telegraph.

Dios, etc.,

MONTERO RÍOS.

[Inclosure: Mr. Day to Señor Montero Rios, printed on page 222, S. Doc. No. 62, part 1, 55th Cong., 3d sess.]

No. 95.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 37.]

MADRID, November 27, 1898.

Received three telegrams from your excellency, the first recommending secrecy regarding the agreement of the Council of Ministers communicated to you, and the other two being Nos. 37 and 38. Everything possible has been done on my part to maintain secret that which the interests of the country counsels. But your excellency knows how difficult it is for our press to judge what is due to the public utility, as also the deficiencies of censorship. Therefore I had recourse to the remedy of contradictory notices, in order to disguise the plans of the Government and to give occasion for various interpretations. Now that the first two propositions are done away with by the answer of Mr. Day, of the questions contained in telegram No. 37, your No. 38 only leaves the third to be answered. The Council of Ministers met this afternoon, and after a new examination of the probabilities and risks the President stated the majority opinion regarding the acceptance of the proposal of the Americans in the following form:

Neither the twenty millions nor any of the last proposition of the American Commission are admissible to Spain. You might, on this ground, proceed to consider the conference terminated, leaving the Americans free to take what they demand. But as this might produce subsequent complications and even greater evils for our country, which is anxious to escape from this situation, there remains no other alternative than to succumb to force, accepting that proposition, but as a whole, without analyzing or discussing any of its parts, which are all alike unjust.

ALMODÓVAR.

No. 96.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 39.]

PARIS, November 27, 1898.

Have just received and translated telegram of your excellency No. 37. Advised of its contents, to-morrow shall be strictly guided by it. I believe, as stated by your excellency in your telegram No. 36, that it is necessary and even urgent to put an end to these conferences, so as to arrive as soon as possible at the signing of the treaty, since the Government considers it necessary. To prevent

delays, which on the part of this Commission would be inevitable for lack of opportune instructions from your excellency, I beg that immediately you will give definite instructions regarding the cession of Kusaie Island, right to land cables in points under jurisdiction of Spain, treaties to be renewed, and religious liberty in the Carolinas, which points the Americans announce in the proposition they wish to be included in the treaty; also in relation to any other matters which the Government on its part desires to have included in it. The Spanish Commission in the session of to-morrow acquiescing in the American proposition, it is possible that in the same session, or that of the day following, the Americans may present their proposition regarding these matters, and your excellency will understand from what has been said how convenient it would be if the Spanish Commission were able to discuss them in the same session without fear that an adjournment would be necessary for lack of instructions. I beg your excellency to indicate how far the Spanish Commission can go and what point they can not pass in respect to each matter.

MONTERO RÍOS.

No. 97.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 38.]

MADRID, *November 27, 1898.*

Received telegram No. 39 from your excellency. As I had the honor to communicate to your excellency by télégram No. 36, the Government is opposed to the additional propositions which, after accepting those with definite character, the Americans submit in the last memorandum for discussion. Thus, neither religious liberty in the Carolinas, nor the cession of an island in that archipelago, nor the right to land cables in other Spanish territory, nor the renewal of treaties is admissible. It is to be supposed that it will not be indispensable to answer now regarding these points, since the demands of the American Commissioners are limited to the concrete proposition which as an ultimatum they have presented to us. The reply of the Spanish Commission, on their part, should be limited to this one point, and in case the Americans ask regarding the indications or propositions alluded to your answer should be negative, our negotiations not passing the limits of the demands imposed by the conquerors. This has been the view of the Government, which desires to set forth very clearly that Spain submits to force, and does not concede more than force compels.

ALMODÓVAR.

No. 98.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 40.]

PARIS, *November 28, 1898.*

Have just received telegram from your excellency No. 38. I understand it, and in a few minutes will communicate it to my associates in the Commission, so they may accommodate their acts strictly according to the orders of the Government, which are against including in the treaty religious liberty in the Carolinas, the cession of an island in that archipelago, the right to land cables in other territory, and the reestablishment of treaties. But your excellency adds that our negotiations ought not pass over the limits of the impositions exercised by the conquerors. Do you desire by this to say that, having accepted the articles relative to the Antilles and the Philippines according to the American proposition, we should on our own part limit the treaty to these articles, putting an end to the conferences without including in the treaty any other article, whatever its object? I beg your excellency to answer me as soon as possible, because in the conference of to-day it may be necessary to consider this matter if the Americans propose it.

MONTERO RÍOS.

No. 99.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

MADRID, *November 28, 1898.*

Have just received this minute—3.15 p. m.—telegram from your excellency No. 40, the reply to which will leave within half an hour.

ALMODÓVAR.

No. 100.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 39.]

MADRID, *November 28, 1898.*

The significance of the telegram in which I had the honor of expressing to your excellency the view of the Government regarding the lines to which the treaty must be limited—not going beyond the demands of the Americans—is as follows: That Spain, seeing itself obliged to submit to the will imposed by the conqueror, cedes to the proposition presented as an ultimatum, discussing later the

details necessary to the defense of our interests in the territories demanded; but Spain will not accept any other proposition for abandonment or cession of territory, right to land cables, or the other propositions enunciated in the last part of the referred-to American memorandum; that is to say, that the treaty will solely comprehend that which constitutes a demand—the *sine qua non* of our adversaries—Spain refusing all of the American propositions left to its free will.

ALMODÓVAR.

No. 101.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 41.]

PARIS, November 28, 1898.

Session just held. In it we presented the protest advised by you, concluding with the acceptance of American proposition, not having means to resist it by force, in spite of said demands being contrary to what we have been sustaining was the right of Spain. In expectation of the instructions asked of your excellency in telegram of this morning (in case they are in the sense of putting an end to the negotiations) we have avoided entering into deliberations regarding any other article of the treaty, evading the attempts made by the American Commissioners. We proposed that the two secretaries draw up the articles relative to the admitted American proposition, and adjourned until this was done, emphasizing urgency, in order to make a quick termination to the conference. The American Commissioners proposed that conference be held day after to-morrow, Wednesday, at the usual hour. This was agreed upon. By post I send to-day a copy of the memorandum protest we presented.

MONTERO RÍOS.

No. 102.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, November 28, 1898.

EXCELLENCY: I have just telegraphed your excellency, advising you of what occurred in the session of the full Commission held this afternoon. This morning I called together the Spanish Commissioners, the memorandum protest being approved, which in compliance with the telegraphic orders of your excellency we had to present in the session of to-day. We believed that said protest (as

your excellency charged) was severe, and on the other side avoided all danger of rupture, as the events just happened have confirmed, because the American Commission said nothing against the acceptance proposed by the Spanish Commission to their proposition; this notwithstanding the arguments and form in which said acceptance was made. We have, therefore, done in this matter all that your excellency was pleased to direct.

For the purpose of avoiding treatment by the American Commission of the other points desired to be included in the treaty, immediately after the reading of the protest I proposed to them that, their proposition being accepted by the Spanish Commission, the secretaries of both Commissions reduce to writing the articles mutually agreed upon (concerning said proposition) regarding Cuba, Porto Rico, and the Philippines, and that the session adjourn, meeting as soon as the draft is made.

Although the president of the American Commission said nothing against this, he asked if it would not be best that instead of propositions there might now be presented drafts of the articles which the American Commission could present in the next session treating of above-mentioned points. With a view to maintaining convenient reserve until the articles to be drawn up were approved, and therefore all danger of a rupture and renewal of hostilities avoided, I answered him that this was an exclusive matter for the competency of the American Commission, in which there was no reason for the Spanish Commission to act.

Although the president of the American Commission insisted regarding this matter, he did not obtain from the Spanish Commission a more categorical or clearer answer.

The president of the American Commission also suggested the advisability of having in this session, or the next, the letters which had passed between the two presidents form part of the records of the proceedings. I answered that instead of being spread upon the records there should be joined to the protocol copies of my letters to the president of the American Commission, one asking light upon the last American proposition and the other proposing to him by way of settlement three solutions, as well as the answers the president of the American Commission saw fit to give to my letters, and that these copies might be regarded as an annex to the proceedings of the session of to-day. The president of the American Commission agreed to my proposal.

At this point the American Commission proposed to the Spanish Commission that the conference meet again next Wednesday, by which time there would be drawn up in form of articles the matters desired to be comprehended in the treaty. In regard to this I

maintained complete and absolute silence, only agreeing that the new conference be on next Wednesday, as the Americans proposed, although impressing upon them the great urgency the Spanish Commission feels of putting an immediate end to these conferences.

Thus, in harmony with instructions asked, which your excellency was pleased to give me by telegram of this morning, we have placed in safety our complete liberty of action in the next conference.

A copy of the referred-to memorandum protest presented, which will form part of the protocol, accompanies this letter.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 16, printed on page 211 *et seq.*, S. Doc. No. 62, 55th Cong., 3d sess.]

No. 103.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 42.]

PARIS, November 29, 1898.

Received last night your telegram No. 39, which instructions we shall obey. Secretary of American Commission proposes in the draft of their articles regarding the cession of the archipelago that the United States will transport to Spain (at their expense) the prisoners of the Manila garrison. Shall this transportation be accepted at cost of the United States? The Minister of War tells General Cerero that your excellency will send me the instructions given our commissions of evacuation of Cuba and Porto Rico, and the results of said evacuations. I have not received them, and beg your excellency will send them to me speedily, if you consider it proper. Also tell me if there are any claims to be made on account of said evacuation.

MONTERO RÍOS.

No. 104.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 40.]

MADRID, November 29, 1898.

Received telegram No. 41 from your excellency, which was read this afternoon in the Council of Ministers. Understand from it that your excellency expects an answer to your telegram No. 40 respecting the limits within which the negotiations should be kept, the point about which I had the honor of answering in my telegram

No. 39, but which I consider it opportune to amplify in this. Deducing from your telegram that the conclusions of the Americans are definite and accepted by us, the judgment of the Government is that it is necessary for the defense of the interests of Spain (and the inevitable consequences and mutual dispositions which every treaty of peace makes obligatory to both parties) that reference to the condition and protection of our subjects in the territory ceded be made, as well as to legitimate obligations contracted and as to the liberty of prisoners. The general instructions given our Commissioners cover these extremities and others analogous. On account of the decision accepted, another point to determine is that of the so-called commercial advantages offered by the Americans in the Philippines. We should besides aspire, if it is possible, that ample freedom of navigation and commercial advantages should be secured for the Antilles. These points determined, which are conclusions from the tenor of the protocol (and therefore in accord), they may be stipulated in the treaty of peace. The American Commission can then formulate any other new claims as additions to their conclusions. The Government submits to the consideration of your excellency and of the Commission those former opinions which it judges useful as a mode of procedure in the development and termination of these negotiations.

ALMODÓVAR.

No. 105.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 43.]

PARIS, November 30, 1898.

Received this morning your telegram No. 40. We shall be guided by your new instructions, and have already begun to plan for the conference of to-day. In one of the former telegrams your excellency told me that the propositions relative to the Carolina Islands, cables, treaties, and liberty of worship in the Carolinas were not acceptable to Spain. As your excellency, in your last telegram, states that, after the two Commissions had occupied themselves with the points mentioned, "the American Commission can then formulate any new demands as additions to their conclusions," we desire to know if this phrase indicates a modification of the former instructions mentioned, or only an indication of proceedings for the debates.

Up to this time—5 p. m.—I have not received answer to my telegram No. 41. I beg, if it is possible, that your excellency by telegraph communicate to me the conclusions of the commissions

of evacuation regarding material of war and arms of all kinds in the Antilles, for a knowledge of this is necessary to determine definitely regarding an article of the treaty. I beg, also, that your excellency will send me a copy of the communications or notes which in 1886 were exchanged by the Government of Spain with the American Government or its representatives relative to the American missionaries in the Carolina Islands, and the scope of liberty of their ministry there.

The American Commissioners propose that until the treaty is ratified the American forces be charged to preserve public order and protect the lives and estates of the inhabitants of the Philippine Archipelago. We have objected to this, lacking authority, but have offered to ask it of our Government, which we do. The first eight articles, based upon the last American proposition, were approved. Freedom of Spanish ships and merchandise is conceded in the ports of the archipelago for ten years. We have asked in the most courteous manner possible that this freedom may be extended to the Antilles.

The American Commissioners offered to study this question and answer us. Also in the proper article they say that the \$20,000,000 will be paid to Spain during the three months immediately after the ratification of the treaty. My proposition is agreed to to have daily conferences until the conclusion. To-morrow we meet at 3 p. m.

MONTERO RÍOS.

No. 106.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 41.]

MADRID, November 30, 1898.

Answering telegram from your excellency No. 42. The President of the Council, with whom I have consulted, being informed of its contents, thinks that there would be no objection to accepting the transportation of the garrison and Manila prisoners at the charge of the United States, if the American Commissioners propose it. The instructions given to commissioners of the evacuation of Cuba and Porto Rico were sent, in more than one copy, with the documents which this Ministry furnished to the Paris Commission. If by chance they are mislaid I beg your excellency to let me know, in order to furnish another copy. The results reached by the evacuation commission, including the points which by common agreement were left to be settled in Paris, have been pressing asked for from the Minister of the Colonies, and as soon as received they will be remitted to your excellency.

ALMODÓVAR.

No. 107.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 44.]

PARIS, *November 30, 1898.*

Received your excellency's telegram No. 41. The instructions in question brought by Señor Cangosto have been found in the office, but they lack the points to be settled in Paris, the knowledge of which is much needed.

MONTERO RÍOS.

No. 108.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *November 30, 1898.*

EXCELLENCY: The session, as I have just advised you by telegraph, has just closed. In it was read and approved the first eight articles of the treaty, which have for their object the setting forth of the last American proposition and the immediate results or indispensable measures for their execution. The exemption conceded in the ports of the Philippine Archipelago to Spanish ships and merchandise will be for ten years from the ratification of the treaty.

We have, in the most appropriate manner, suggested that this exemption be extended to the ships and merchandise of Spain in the ports of Cuba and Porto Rico. They offer to study the subject and answer us, which I presume they will do to-morrow.

We have also claimed that in the Philippines all material of war and arms of all classes there belong to Spain. They acceded to this. We have also claimed that the material of war of all classes in the Antilles, which has not been the subject of negotiation by the respective commissions of evacuation, shall belong to Spain. They stated that before answering this point it was necessary to have knowledge of the acts of said commissions. I asked for these on our part of your excellency yesterday by telegraph.

They desire also to know approximately the number of Spanish prisoners there are in the archipelago in the power of the Americans and Tagalos.

Finally, they proposed that from now on until the treaty is ratified the American authorities will be charged with conserving the public order and defending the lives and property of the inhabitants of the Philippine Archipelago. We replied that we were not authorized to answer on this point, and after a slight deliberation agreed that we would ask instructions from our Government regarding the matter. Your excellency therefore will please give me them as I have asked by telegraph.

Permit that I suggest to you the thought that the preservation of order in the archipelago being a supreme necessity, and on the other hand it not appearing proper for Spain to consent for the present, and before the treaty is ratified, that the United States exercise acts of sovereignty there (as they would do were this carried out, although solely with this end in view), this matter should be settled by leaving it to the understanding which the present Spanish and American authorities now in the archipelago might reach.

On my recommendation we have also agreed to hold daily sessions so as to conclude as soon as possible. To-morrow we convene at 3, having prepared in the two languages—Spanish and English—the greatest possible number of articles.

This morning I received your excellency's telegram No. 40. We will be guided by the new suggestions which the telegram reveals.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 17, printed on page 222 *et seq.*, S. Doc. No. 62, 55th Cong., 3d sess.]

No. 109.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 42.]

MADRID, *December 1, 1898.*

The Ministers are this moment in session under the presidency of Her Majesty. They will hold a meeting on leaving the Palace, with the object of answering your telegram No. 43. For your information I advise your excellency of the conference of this afternoon.

ALMODÓVAR.

No. 110.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 43.]

MADRID, *December 1, 1898.*

Received your excellency's telegram No. 43. To the first point indicated in the telegram, relative to the designs of the Government regarding contingent American proposition in the Carolinas, and other points, I reiterate to your excellency what was set forth in telegram which you tell me was not received. The Government desires to follow a mode of procedure, giving preference to the natural development of the principles agreed upon by the Commission, and leaving for the future the other points, foreign to the

protocol, which the Americans indicated at the end of their ultimate memorandum. Although the opinion of the Government is not favorable to their acceptance, such might be the compensation they offer that we could cede one or another of said points, about which, if there is time, the Government would desire to know the opinion of the Commission. The preference of the Government would be, in regard to territorial cession, to not dismember the territories remaining to us; in regard to the landing of cables, not to limit our rights by means of eminent domain. In regard to the renewal of treaties, it would probably be found best to negotiate new treaties as may be agreed upon. Regarding religious liberty in the Carolinas, whose history I remit to you in telegram which accompanies, the Government would agree upon the state anterior to the war. The proposal of the Americans to charge their authorities in the Philippines to protect the lives and property of the inhabitants and conserve public order would be acceptable before the ratification of the treaty, if previously they delivered to us the prisoners now in the hands of the Americans and the insurgents. The acts referring to the evacuation of Cuba and Porto Rico intrusted to the Commission of Paris will be sent to your excellency by post, without prejudice to a telegraphic extract which will leave to-day.

ALMODÓVAR.

No. III.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 45.]

PARIS, December 1, 1898.

Received this morning your excellency's telegram No. 42. Session of to-day suspended until 2 p. m. to-morrow on petition of American Commission, who have not studied remaining projected articles of treaty which were sent them for acceptance by the Spanish Commission.

MONTERO RÍOS.

No. 112.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 44.]

MADRID, December 1, 1898.

During controversy pending with Germany regarding the Carolinas, the American chargé d'affaires in Madrid, under date of September 22, 1885, directed a note to Señor Elduayen, Minister of State,

setting forth, by order of his Government, the state and prosperity of the American missions established for many years in the Carolinas.

It was set forth in said note that the American missions had constructed more than fifty chapels and various schools, having 4,000 parishioners whom they were civilizing and improving their moral state. Further, in view of the controversy with Germany, regarding which his Government did not express an opinion, he was charged to bring these matters to the attention of Spain in hope that whatever might be the result of the conflict nothing would happen to affect the nonpolitical labors of his fellow-citizens in that region, but that on the contrary Spain's beneficent purpose would be to help and protect. Señor Elduayen answered October 15 of the same year, expressing acknowledgment for the friendly attitude of the United States, considering that it tended to corroborate the legitimate rights of Spain, and added, textually, as follows:

The Government of His Majesty hastens to inform the United States that nothing is farther from its mind than to limit or embarrass in the least the work of moral improvement and instruction to which your excellency refers. The present constitution authorizes the Government of His Majesty to respect in all the regions of our territory the free exercise of religion which the American Government desires, and at the same time views with the greatest satisfaction the results obtained by the citizens of the United States in that which refers to civilization and commerce in general, and is disposed on its part to favor and augment as far as possible such results. It is on my part a pleasing duty to give an affirmative and satisfactory reply to all the suggestions contained in the note of your excellency, to the end that you will please transmit the same to the Government of the United States.

At various times the representatives of the United States have made mention of this note on account of incidents occurring in the Carolinas, and even when the Ministry considered inexact and inopportune reference to the constitution of the Monarchy it preferred not to enter into discussion, limiting itself in the year 1892 to stating in a note to the Minister of State that it was necessary that the missionaries avoid all opposition to the Spanish authorities, restricting themselves to their religious duties, without mixing in politics and current affairs. By post of to-day I send copies of these extracts.

ALMODÓVAR.

No. 113.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 45.]

MADRID, *December 1, 1898.*

I have just received from the Minister of the Colonies several copies of the acts of the commission of the evacuation of Porto Rico

and telegram of the Governor-General of Cuba referring to the same matter. It is seen from these documents, which I remit you by post to-day, that there is not conformity between the Spanish and American commissioners regarding delivery of artillery in position. The American commissioners solely concede that Spain shall possess light artillery, and that of 9 centimeters, demanding all coast artillery, including that sent recently on the steamship *Antonio Lopez*. It is agreed that these pieces remain in deposit until the decision of both Governments. In spite of this, the Americans made use of them when saluting the raising of the American flag. Nor in Cuba is there conformity respecting artillery, fort batteries, machinery, and other State property, the matter remaining for the resolution of both Governments and preserving for the present a *statu quo*. The difference of opinion between the Spanish and American commissioners rests upon the consideration of whether the artillery should be considered movable or not.

ALMODÓVAR.

No. 114.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 46.]

PARIS, December 2, 1898.

Received telegrams Nos. 43, 44, and 45. Respecting No. 43 will consult our Commission this morning and will communicate to your excellency its opinion, which the Government of His Majesty desires to know. That of Señor Garnica and myself (in anticipation) is that it is not advisable to sell part but all of the Carolina Archipelago, but before doing this the authority of the Cortes is necessary; that neither is it advisable that the treaty contain anything regarding the landing of cables, which would involve a sort of easement in our national territory. The matter is, under another aspect, more proper for an administrative concession. For manifest domestic political considerations, it is not advisable to refer in the treaty to religious freedom in the Carolinas, nor is a complete revival of former treaties to our interest. If both Governments should agree on the matter, they could consider reviving the parts of the old treaties upon which they mutually agree. It appears unlikely that the American Commission will accept liberation of prisoners in the power of the Tagalos before ratification of treaty as a consideration for authorizing their authorities in the meantime to conserve order and protect lives and property in the archipelago. From another point of view this prior liberation of prisoners by the Americans would serve as an occasion for them to open hostilities against the

Tagalos and consolidate their dominion in the Philippines before ratification of treaty. We insist that there appears to be no other solution less dangerous to Spain than to have a common understanding between Spanish and American authorities in the archipelago as to the scope of each, for the conservation of order and the protection of the people until the ratification of the treaty. Will act according to the precedent indicated in the telegram. Informed of contents of telegram No. 44, will be guided by the precedent indicated. In respect to telegram No. 45, the telegram does not indicate what is "the material and property of the State" about which the commissioners in Cuba can not agree. According to this telegram the disagreement between them in Cuba and Porto Rico is submitted for solution to both Governments, but not to this conference. We will see, nevertheless, if it happens that the conference determines these disagreements in favor of Spain. I must beg of your excellency that you will please tell me the approximate number of prisoners in the power of the Tagalos.

MONTERO RÍOS.

No. 115.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 47.]

PARIS, *December 2, 1898.*

Have just held conference. Nothing accomplished to-day. Americans insisted that before beginning discussion of essential points of treaty we should discuss the accessory propositions regarding Carolinas, etc., which in their ultimatum they said "they desired" should be discussed. We opposed vigorously because we had no definite instructions from our Government regarding them, and above all that we were resolved not to treat of the accessories until all the principal points had been determined. In this situation the session adjourned to meet at 2 p. m. to-morrow. They insist that we may be fully authorized then to treat about everything, including said accessories; but we shall not do it. But this is no obstacle against our asking your excellency instructions with all urgency regarding these accessories. The other members of the Commission hold the same views as Garnica and myself regarding them. Although resolved not to discuss them, until after settling all the essential points of treaty, it would be best, on account of what might occur, that we have positive instructions before 2 p. m.

MONTERO RÍOS.

No. 116.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 46.]

MADRID, *December 2, 1898.*

Received your excellency's telegrams Nos. 46 and 47. The Council of Ministers met this afternoon and examined the points contained in them. Respecting the accessory propositions of the Americans the Government coincides entirely with the opinion set forth by yourself, which is also the opinion of your Commission. Regarding question of procedure to follow in the discussion, the Government remains inflexible in its view. It is not possible to treat matters foreign to the protocol without first settling all those which are necessarily derived from it. It would be better to conclude the negotiations, making the matter of the treaty only what was agreed and settled upon. It is regrettable to leave in suspense interesting points which might ultimately be agreed upon, but if firmness in following this course would give a pretext to the Americans (as it appears it might) for new demands, which would have the character of new impositions, it would be preferable to close the negotiations with what has already been done. With regard to the custody of lives and property in the Philippines, the promise of the Americans appears fallacious, because, all the archipelago being in insurrection, it would be difficult to carry it out. In Manila they are in control, but possess nothing in the other points, and it is not to be supposed they will attempt to occupy the islands in a military manner. We would only be able to accept this situation in view of the immediate liberation of all of the prisoners. The number of these are approximately 8,000 soldiers and 2,000 civilians, apart from others in the north of Luzon whose number it is not possible to state precisely. What has been communicated regarding the evacuation of Cuba and Porto Rico, which is referred to the respective Governments, is all that has been possible to copy from the acts, and treats of the coast and siege artillery arranged for the enlargement of defense on account of the war.

ALMODÓVAR.

No. 117.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *December 2, 1898.*

EXCELLENCY: As I have just stated to your excellency by telegraph, we have not progressed in the session of to-day, because the

American Commissioners insist in their purpose that the accessory propositions shall be discussed. As your excellency will see from the annexed protocol, I stated in a decisive manner that the Spanish Commission was not disposed to treat the accessory points without first finishing all that constitutes naturally the treaty of peace.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 18, printed on page 223 *et seq.*, S. Doc. No. 62, 55th Cong., 3d sess.]

NO. 118.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 48.]

PARIS, December 3, 1898.

Just received your excellency's telegram No. 46. We will follow its instructions. I am obliged to call the attention of your excellency to the last part relative to the conservation of public order and the delivery of prisoners now in the power of the Tagalos. It is well known that the American forces do not control in the archipelago more territory than they occupy, and, as I believe it impossible that they shall conserve public order in the other parts if they do not occupy them, it appears to me that, as I stated to your excellency, to authorize them to conserve order is equal to authorizing them to take possession of the archipelago and establish in it their authority before the ratification of the treaty. It will be demanded of them (as your excellency charges for the second time), if previously you do not modify your instructions, that before the conservation of order is intrusted to them they must deliver the prisoners now in the hands of the Tagalos. I believe they will say, if the Tagalos do not voluntarily deliver them, it will be necessary to make use of arms to oblige the delivery, so they will gain, under pretext of liberation of prisoners, the same object which they wish to realize by means of the conservation of order. In short, I presume they will aspire to appropriate to themselves the archipelago before the ratification of the treaty, as they will succeed in getting possession of Cuba and Porto Rico by means of the anticipated evacuation, which was settled in the protocol of Washington. I assume that the number of prisoners in the Philippines which your excellency mentions is outside the garrison of Manila.

MONTERO RÍOS.

No. 119.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 47.]

MADRID, *December 3, 1898.*

Received confidential letter from your excellency No. 20 [not printed], consulting as to what answer shall be made to the American demands of an accessory character and foreign to the protocol. I have the honor of referring to telegram No. 46, sent last night. If the American Commissioners make their commercial concessions in the Antilles to depend upon the discussion and acceptance of said demands, as a telegram just delivered to me leads to believe, I beg your excellency to please to inform me, in order to give an account to the Council of Ministers, to the end that they come to a conclusion. In the interim, and in reference to the treaties, without a careful examination of all those whose renewal they solicit, I agree absolutely with your excellency as to those which may be acceptable and those prejudicial. It may be possible that a more leisurely examination may show obstacles which we have not yet seen. For this reason it is indispensable to make a careful study of this subject. This reason, aside from others already set forth, counsels separate negotiations relative to such matters, without confusing them in the treaty of peace, and for such reasons the mode of procedure already indicated is advisable. By means of it, at all events, we will succeed in discussing the accessory demands after having agreed and settled the details derived from the protocol. The copy of the articles agreed upon, which your excellency says were inclosed in your letter No. 20, were not in the envelope. The telegram in reference to the *Maine* is interesting. It strengthens my opinion set forth to your excellency on various occasions regarding the utility of Spain vindicating herself from the accusation made in the United States regarding the cause of the explosion.

ALMODÓVAR.

No. 120.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 49.]

PARIS, *December 3, 1898.*

The Americans are apparently convinced of our irrevocable decision, which this morning our general secretary reiterated confidentially to them, of not entering into discussion regarding the accessories before the principal matters of the treaty are concluded,

because our opinion regarding accessories was inspired by their proceedings regarding the principal. Being this afternoon in conference, they begged that it be suspended until Monday. I suppose this delay is caused by the necessity of consulting their Government regarding various points of the treaty proposed by us.

MONTERO RÍOS.

No. 121.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 48.]

MADRID, *December 4, 1898.*

Received your excellency's telegrams Nos. 48 and 49, which by accord of the Council of Ministers I have the honor of answering. In respect to the contents of the first, the Government judges (the same as the Commission) that to accede to the American demand regarding conservation of order in the archipelago would be the same as authorizing dominion before the ratification of the treaty.

The formula suggested by your excellency, that the Spanish and American authorities come to an agreement as to the means of giving security to lives and property in that territory under the dominion of each, is acceptable. Will your excellency please, therefore, propose this solution, without prejudice to soliciting of the Americans their good offices, influence, and even coercion against the Tagalos, in order that the Spanish prisoners, military and civil, which they hold may be put at liberty?

In regard to the question raised by the accessory demands of the Americans, the Government briefly states its views as follows: There are two aspects which should be judged separately. The first—that of procedure—does not counsel mixing in the treaty of peace matters foreign to those agreed upon in the protocol of Washington. Such matters, if they must be the object of agreement for mutual advantage, should be occasion for negotiations independent of the treaty of peace. The system of not mingling in said treaty matters found outside those agreed upon in the preliminaries of peace was recommended in the general instructions delivered to the Commission before their departure for Paris. By a principle which experience justifies, it is better to covenant separately regarding points foreign to the protocol of peace. The renewal of old pacts in the text of the treaty of peace is neither necessary nor advantageous. The treaty of peace being signed, both Governments then would be able to reestablish what was suitable by an exchange of notes.

The second subject for examination is what is of utility for Spain in the accessory demands of the United States. The Government has already passed upon this matter, finding the cession of an island in the Carolinas, the concession for landing cables in other Spanish territory, and religious liberty in the Carolinas not acceptable. Reports received since this expression of the opinion of the Government indicating that the Americans might make the referred-to concessions on the part of Spain conditional in granting the commercial advantages and other regulations in the Antilles, gave occasion for telegraphing to your excellency in a less categorical form the decision not to accept any of the accessories. Only the desire to save for the interests of Spain the advantages which the Americans might make conditional upon our compliance with the above-cited demands can admit this more favorable resolution of the Government.

According to what you say in your telegram No. 49, the American Commissioners consent that the accessories be not disposed of until terminating the principal points. If they conform to this in the session of to-morrow, the accessories will remain to be discussed afterwards in Paris or between Government and Government, and then there will be an opportunity to judge of the mutual advantages offered by the demands and their compensations. The Government reiterates, then, as your excellency will observe, its desire to terminate the treaty of peace in the shortest time possible; with regard to the accessories, without withdrawing from the position you have taken, it would not be inconvenient to negotiate agreements separately. Even in the matter of renewal of treaties there would not be difficulty regarding extradition; industrial and literary property (copyright) being put in vigor by means of an annexed protocol. This point is left to the discretion of your excellency. The other treaties demand a carefully considered revision, and the Government does not believe it advantageous to agree upon anything now.

I beg your excellency to telegraph me if it should be certain that the United States at all hazards desires to join the accessory demands with concessions favorable to Spain in the Antilles.

ALMODÓVAR.

No. 122.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 50.]

PARIS, December 5, 1898.

The conference terminated at 7 p. m. After determining the points of consultation pending, the first eight articles were definitely approved. The Americans refused that extension of freedom of

tariff to Cuba and Porto Rico be part of this treaty. They agreed to transport at their cost the prisoners in the Antilles and Philippines, Spain to reciprocate. Nothing in any sense is said in the treaty of colonial debts.

All the material of war, including artillery of coast and fortifications in the Philippines, recognized as belonging to Spain, Spain not having to retire the artillery in place for six months after the ratification.

Nothing regarding the artillery in Cuba and Porto Rico, as the evacuation commissions have referred the matter to their respective Governments for solution. Americans do not accept preservation of order in the archipelago, it remaining recommended to an understanding between the authorities of both powers. They desist in consequence from their claims. After the approval of these articles, they again insisted that we take up the accessories. We again stoutly refused. New conference to-morrow at 2 p. m.

MONTERO RÍOS.

No. 123.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, December 6, 1898.

EXCELLENCY: In addition to my telegram of yesterday, giving account of conference No. 19, I simply remit your excellency the protocol of the same.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 19, printed on page 230, S. Doc. No. 62, 55th Cong., 3d sess.]

No. 124.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 51.]

PARIS, December 6, 1898.

In the session of to-day there were definitely approved the first eight articles, which contain:

First. Renunciation of the island of Cuba.

Second. Cession of Porto Rico and other islands.

Third. Cession of the Philippines, and payment of twenty millions.

Fourth. Transportation to Spain of the Manila garrison, with their arms, at the cost of the United States.

Fifth. Cession of public property, with the exceptions set forth in the article lately sent your excellency.

Sixth. Mutual renunciation of all claims, national and individual, including expenses of war, arising from occurrences since the beginning of the last Cuban insurrection.

Seventh. Tariff exemptions for ten years, solely in the Philippines, for Spanish ships and merchandise.

Eighth. Liberation of prisoners on signing the treaty, the United States under obligation to use diligence in obtaining freedom of prisoners in the hands of the insurgents.

As addition to No. 4, it is agreed that all the material of war, both land and sea, including all the heavy artillery in position, to be the property of Spain, although Spain will not retire said heavy artillery until six months after the ratification of the treaty. Respecting article 8, it is agreed also that the transportation of the prisoners which are to be liberated will be at the cost of the power liberating them, the prisoners to be sent to the territory of their nationality. Again refused American request for immediately discussing accessory claims, and entered into discussion of the other articles of the Spanish draft. They wish to limit to those who may be actually there the rights recognized for Spaniards in the territories ceded and renounced. In this article they desire, besides, that the following clause be included: "It is understood that any obligations contracted by the United States respecting Cuba will be limited to the time of its occupation of the island." Your excellency will note the general form of the drawing of this clause, which gives reason to suspect that they will wish to apply it to the eight articles already approved. The Spaniards from now on who may go to those territories will be the same as any other foreigners. They wish to limit tariff exemptions of books to ten years. They refuse the articles relative to the return of deposits and guaranties on contracts and concessions for works of public service, they refuse to grant pension to the descendants of Colon, and refuse an international inquiry of any kind regarding the *Maine* catastrophe.

I call the attention of your excellency to the unfriendly message to Congress yesterday of the President of the Republic, in which he speaks of this matter. The American Commission does not desire more discussion—only the categorical answer of Spain regarding all this. Touching the clause which limits the obligations of the United States in Cuba to the time of occupation, they say if it is not admitted by Spain they will not be able to continue the negotiations. I beg your excellency that after all these proceedings you will please tell me whether or not we shall accept such demands. I urgently await your decision.

MONTERO RÍOS.

No. 125.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 49.]

MADRID, *December 7, 1898.*

Received at daylight to-day your excellency's telegram No. 51. I read it to the President, and he has called a meeting of the Council for this afternoon at half-past 3, with the object of an early answer to the inquiries which your excellency is pleased to make.

ALMODÓVAR.

No. 126.

The Minister of State to the President of the Spanish Peace Commission.

[Telegram.—Translation.]

No. 50.]

MADRID, *December 7, 1898.*

The Council of Ministers met for the purpose of considering your excellency's telegram and the articles of the treaty—the eight accepted already, as well as those proposed by the Spanish plenipotentiaries. I have the honor of communicating to your excellency the following: The most important question consists in the provisional situation in which the interests of the Spaniards in Cuba will have to remain by the limitations the United States imposes to the guaranty of what is stipulated in the treaty, making such guaranty to depend upon their occupation of the island. The objection occurs to the Government that the limitation leaves without definite protection the persons and goods of Spaniards in the Grand Antille, and at the mercy of the arbitrariness of an independent government of the island, which is not considered restrained by any pact with the Government of Spain. It is not to be supposed that the United States propose to create a state precarious to the subjects of the Crown of Spain in that territory, leaving them in such conditions of insecurity as to make impossible their residence, the enjoyment of their estates, and the exercise of their rights and professions. Now that the United States do not desire to contract obligations beyond the time of their occupation, they should grant to the Government of Spain the guaranty that an independent government in Cuba will respect the rights acquired in the treaty which we covenant now, or at least that they will use their recognized influence that these rights be not disavowed. If this at least does not seem acceptable to the Americans, we should ourselves set forth our express reservation of maintaining or reviving such rights with regard to the new state which is constituted. In relation to denying all inquiry in regard to the *Maine* catastrophe the Government

considers, as it has judged up to this time and since the message of McKinley, if possible more urgently, that it is necessary to increase the efforts to refute the offense launched against Spain. For this reason I beg of your excellency that an inquiry be again proposed regarding the cause of the explosion. If denied, as is to be supposed, you should ask that such inquiry be submitted to an arbitration. At any rate the refusal of the Americans and our desire to clear up the cause of the catastrophe, being shown in the protocols of these conferences, will prove the good and bad faith. Respecting the other points contained in the telegram of your excellency, the Government is in conformity with the propositions of our Commission, and it is left to your excellency not to omit any means in order to obtain what is possible.

ALMODÓVAR.

No. 127.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *December 7, 1898.*

EXCELLENCY: By my telegraphic dispatch of last night, your excellency will be informed as to what occurred in the last conference. I am awaiting your answer, so this Commission may be guided by your directions regarding the new proposals of the American Commission. If your excellency instructs us to decline them, I believe that when we so notify the American Commission the negotiations will terminate. For such purpose I will draw up a short memorandum which we will present, stating that the treaty should be limited to the eight articles contained in the final proposal of the American Commission definitely approved, and which for the reasons expressed put a definite end to the state of war between Spain and the United States.

Considering the attitude of the United States, Spain truly loses nothing if other articles are not included in the treaty, because they would not provide other than a few declarations of international public right, which there is every reason to believe the American Union, at least out of respect for the civilized world, would not violate in any event.

The American Commission, as you have been informed by my telegram, refuses to acknowledge the contracts entered into by the Spanish Government and its authorities regarding public works and services in the territories which cease to belong to Spain; also regarding concessions of public works, such as harbors, railroads, etc., pending execution and fulfillment. This irritating refusal of

the United States illustrates their conduct. Germany did not go to this extreme, in spite of her severity with France, in treaties which in 1871 put an end to the conflict between those nations.

And as if this were not sufficient, they even refuse to return to private persons and others interested the deposits, guaranties, and obligations placed in the treasuries or public establishments of the countries Spain cedes or relinquishes and the United States takes possession of. It is difficult to qualify with the severity which this refusal merits such an attack upon private property.

In the meanwhile, according to the United States, the obligations which Spain undertakes on her part regarding the island of Cuba must be of a permanent and definite character, but they themselves claim nothing less than that the obligations which on their part are undertaken respecting the Great Antille are not to have force and effect, except during the time of the occupation of that island by the American forces.

And as a crowning act of their conduct they refuse that an international inquiry be set on foot for the purpose of clearing up the causes of the *Maine* catastrophe to show there is any responsibility with Spain for said catastrophe. Also, the President, on opening of Congress the 5th of this month, referred to the same incident in terms offensive to our nation for no other purpose than the justification of the iniquitous war of which the United States has made Spain a victim.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 20, printed on page 235 *et seq.*, S. Doc. No. 62, 55th Cong., 3d sess.]

No. 128.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 52.]

PARIS, *December 8, 1898.*

Received at 9 this morning telegram No. 50 from your excellency. The Commission convened, it was resolved, complying with instructions, to make in the session of this afternoon the two motions your excellency recommends. The session opened at 2 o'clock. Señor Abarzuza offered the resolution relative to the limitations which the United States put to its obligations regarding the island of Cuba. The American Commission agreed that there should be added in their article what was necessary to set forth that on the termination of the military occupation of the island of Cuba the United States "would counsel" the independent government which is established in the island to observe what is set forth

in this treaty. General Cerero demanded fresh information regarding the *Maine* catastrophe, and at least arbitration respecting said charge or accusation. Twice the American Commission refused to treat on the subject. At this juncture I presented a memorandum (copy of which I send your excellency by post to-day). The American Commissioners proposed discussion of their accessory articles jointly with the acts of the conference of 6th instant. I informed the Commission that any understanding regarding them must be apart from the treaty, because they were foreign to it. Regarding sale of the Carolina Islands we refused proposition, because at this time the Government had no intention of alienating said islands, and also because we lacked constitutional powers. We refused the landing of cables, because if placed in the treaty it might imply an easement on the national territory which the Government was not empowered to create, and because the United States could ask it administratively, the same as foreign companies had. We refused any declaration regarding religious liberty of American missionaries in the Carolinas, as there was no proposal pending to act upon, and also because the constitution of Spain designated the rights of this class in the matter of religion. We refused finally revival of treaties urgently demanded by the Americans, as it was necessary to make a previous study of each one for both Governments afterwards to agree when they should desire a revival of the agreements which were mutually satisfactory to be put in force. They proposed equality of treatment for ten years of vessels of both nations as regards rights of ports, tonnage, light-houses, loading, and discharging. As Spain has no differential right of flag, we accept for what it is worth, but putting the clause of termination with six months' previous notice. After this, discussion of treaty closed, committing to the secretaries the preparation of two copies, in Spanish and English, for signature and seal as soon as prepared. By to-morrow's post I will remit your excellency the corresponding note and confidential communication.

MONTERO RÍOS.

No. 129.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, December 9, 1898.

EXCELLENCY: By my telegraphic dispatch No. 52, of last night, your excellency is informed as to what occurred in the last conference held. Finally we have arrived at the end of these laborious and difficult negotiations. As the telegraphic dispatch above mentioned was sufficiently detailed, there is no necessity of adding anything of importance to this.

The course of the American Commission in refusing the important articles which we presented, and the one which had for object the appointment of an international commission of inquiry regarding the *Maine* catastrophe, gave me occasion to present a short memorandum of protest, not only on this concrete point, but also regarding all that has occurred in the conferences. The copy of this memorandum I had the honor of sending to your excellency by yesterday's post. Before presenting it, the protest was read to my worthy associates, who were pleased to express their approbation. On account of the statements made in the session by Señor Abarzuza, in compliance with your excellency's instructions regarding the limit which the American Commissioners strove to put to their obligations, they consented that the treaty should set forth that they would recommend to the independent government of Cuba (if one were established) that it continue such course of action. I at once added to said memorandum a paragraph on this point.

It alone remains to sign and seal the treaty in duplicate in the languages of both nations, in order to close the conferences which began October 1. I expect this will be done, if not to-morrow, on the coming Monday, it depending upon the general secretaries being able to prepare said papers, and besides the protocol for the purpose of legalizing the signatures and rubrics, which are a necessary formality. I will duly inform your excellency by telegraph of the signing of the treaty.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 21, printed on page 249 *et seq.*, S. Doc. No. 62, 55th Cong., 3d sess.]

No. 130.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 53.]

PARIS, *December 10, 1898.*

The treaty has just been signed. Previous to signing, the American Commission presented an answer to our last memorandum protest. Style is considerate and temperate. Says regarding the right of option of natives of countries ceded that American Congress would determine in conformity with its customs, which never oppress or lessen the rights of residents in their dominions; that the American Government will respect contracts which according to international right would be obligations for the United States as successors of Spain; that they will return special amounts which come into their hands, and are on deposit, as guaranty, when the obligations and

contracts connected with them are complied with. Regarding the affair of the *Maine*, they are obliged to decline all discussion on account of "precedents well established and practiced in the history of their country." As your excellency will observe, they accede in respect to contracts and deposits, because the documents in which this is set forth form part of the protocols. By post to-morrow I will remit your excellency copies of these documents and of the treaty.

MONTERO RÍOS.

No. 131.

The Minister of State to the President of the Spanish Peace Commission

[Telegram.—Translation.]

No. 51.]

MADRID, *December 11, 1898.*

Received your excellency's telegram No. 53, of which I gave an account this morning to His Excellency the President of the Council of Ministers. I reiterate the congratulations which on having knowledge of your telegram No. 25 he was pleased to address to your excellency in his own name and in the name of the Government for the skill and rectitude of your excellency and the Commission in the defense of the rights of Spain. Thanks to them, the Commission has succeeded in making it evident that only the resolute design of ignoring the most elemental judicial principles has been able to impede the success of a negotiation of which, if we had little to expect, we had cause to suppose greater respect for justice and international law. The ratification of the Americans at the last hour regarding the option of nationality, deposits, and contracts, although tardy and incomplete, reveals a certain misgiving as to the opinion the United States would merit from the judgment of the civilized world, and is the result of the severe opinion given in the last memorandum protest of the Spanish Commission.

ALMODÓVAR.

No. 132.

The President of the Spanish Peace Commission to the Minister of State.

[Telegram.—Translation.]

No. 54.]

PARIS, *December 12, 1898.*

Received telegram No. 51. This Commission, to whom I have communicated its contents, is obliged to your excellency for your congratulations, as is also the undersigned.

MONTERO RÍOS.

No. 133.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *December 11, 1898.*

EXCELLENCY: As I reported by telegraph to your excellency, last night at 9.30 the signing of the treaty by the American and Spanish Commissioners took place in the salon where the conferences had been held, and which with supreme courtesy the Minister for Foreign Affairs of the French Republic placed at the disposal of said Commissioners. With this act these conferences, more laborious because of the character of the deliberations than for their long and unusual duration, are definitely closed.

Before holding the conference of yesterday the American Commission sent to the Spanish Commission the written answer to our last memorandum protest. This document was characterized by great moderation in expression, and moreover also showed the desire in the American Commission of lessening the effect of its unjustified refusal of several of the most important articles which the Spanish Commission had lately proposed for the treaty. In the memorandum is made great protestation of the purposes of the Congress of the United States respecting the interests and rights of Spanish residents in the territory Spain has ceased to possess, as well as of the right of the natives of the same to elect for the nationality which they prefer, notwithstanding they appear depressed by the fear that the number may be so considerable who would make this option that it might be able to compromise the new sovereignty in those countries—an unfounded fear, for the sacred right of men to choose the citizenship they prefer is naturally limited by the right of territorial sovereignty to exclude or expel those who are able to compromise the internal safety of the state. They guarantee that the United States will respect all contracts for works and public service which the Spanish Government had entered into in the territory referred to in the treaty if, by international right, they are valid and should be obligatory for the new sovereign as successor of the former.

They offer also to return to Spanish citizens the deposits, credits, and guaranties which come into the hands of the American authorities when the obligations are complied with for which said sums are a pledge and their restitution therefore proper, making solemn protest that it never entered the minds of the American Commission to attack, disavow, or fail to respect private property.

As to the question of the *Maine*, in a courteous manner they decline to answer, on account of being forbidden by established

precedents and practices of their country. The truth is that above all these precedents preponderate for the American Commission the impossibility of giving a satisfactory answer to the Spanish protest, on account of the act, contrary to the most elementary obligation of generosity and prudence, of the President of the Union in recalling the *Maine* incident, with phrases offensive for Spain, on the most solemn occasion which the United States has in public life, and when it was on the point of concluding the negotiations for the reestablishment of peace.

As the American Commission set forth in the last paragraph of said paper flattering phrases regarding the Spanish Commission, this Commission considered itself under the obligation of courtesy to express in the last session their sentiments of gratitude for these expressions, and to reciprocate them, stating that it recognized the prudence and courtesy with which personally the American Commissioners had comported themselves toward the Spanish Commissioners during the very difficult discussions of these conferences. This assuredly is the truth. The American Commissioners, understanding very well how irritating their unjust mission was, tried to temper its form by means of a proper tone in their phrases and conduct during such trying sessions.

The treaty is the pure expression of the immoderate demands of a conqueror, who, in order to appear great in history, ought to have made moderate use of its victory. The Spanish Commission succeeded in saving the name of its country and its dignity, although it was impossible to save its interests, irremissibly compromised.

Copies accompany this dispatch: First, of the written answer of the American Commission to the last memorandum protest of the Spanish Commission; and, second, of the treaty signed yesterday. The original, with the official protocol of the conferences, I will have the honor of personally delivering to your excellency very soon, although my return depends upon the conclusion of the work of breaking up and closing the office of this Commission.

Dios, etc.,

E. MONTERO RÍOS.

[Inclosure: Protocol No. 22, printed on page 260 *et seq.*, S. Doc. No. 62, 55th Cong., 3d sess.]

No. 134.

*Treaty of peace between the United States and Spain, signed at Paris,
December 10, 1898.*

[Printed on page 263 *et seq.*, S. Doc. No. 62, 55th Cong., 3d sess.]

No. 135.

The President of the Spanish Peace Commission to the Minister of State.

[Translation.]

PARIS, *December 11, 1898.*

EXCELLENCY: I have the honor of placing in the hands of your excellency the protocol of the conferences held by the Commissioners of the Governments of Spain and the United States for the purpose of establishing peace between both countries. These conferences began October 1 and terminated the 10th of this month. With the protocol I deliver also one of the two copies in Spanish and English of the treaty of peace signed the 10th of this month by the members of both Commissions.

Although constantly, and conference by conference, I had the honor of giving your excellency an account of what occurred in each one, and of transmitting exact copies of memoranda and propositions of articles which during these sessions were presented by both sides, I consider it opportune to repeat briefly what occurred in these conferences as an epilogue of the history of such laborious negotiations.

The protocol containing the preliminary bases for the peace which had been signed in Washington August 12, 1898, fixed the very narrow limits by which the Spanish Commissioners in negotiations should be guided. That document was drawn up by the Washington Government with an intention which at first glance did not reveal its full purpose, but permitted a glimpse of the facts which were later shown completely in the deliberations of the Paris conferences.

In the note of the ambassador of France of the 31st of last July is included the answer given by Mr. Day (at the time Secretary of State of the American Government) to your excellency's dispatch proposing peace. There were established and formulated solely three bases as the ones necessary for the establishment of peace; and although mention is made in the first two of the immediate evacuation of the islands of Cuba and Porto Rico by the Spanish troops, and it is also said that the preliminaries of peace should depend upon the approbation which must be given by the American Senate, it followed that said evacuation had to remain subordinate to the approbation and therefore could not precede it.

But the American Government thought it advantageous to its ends to change the form in which the preliminaries of peace should be concerted, although affirming that in doing so this new form would not alter in any manner the conditions fixed upon in the cited note of July 31. It did not, nevertheless, turn out so, because in the protocol besides said conditions which form its first three articles is

included another, No. IV, according to which the evacuation of the two Antilles must precede not only the conferences of Paris, but also the approbation of the negotiations by the American Senate.

Article III of the protocol contained great dangers for the full sovereignty of Spain in the Philippine Archipelago. The Government of His Majesty so understood it at the time, and called the attention of the ambassador who was representing the Government in the negotiation to this point. This distinguished diplomat—his conduct inspired by these instructions—endeavored to avoid those dangers, demanding of the American Government greater clearness and precision in the expression of the article. These efforts before the invincible resistance of the Washington Government were fruitless. The Government of His Majesty looked into the future, because in the note of August 7 the Government made it evident that on accepting the above-mentioned article the sovereignty of Spain in the archipelago was left in safety. These were the conditions under which the conferences of Paris opened October 1.

The history of what occurred in them is clear (at least) in the records of the sessions and in the memoranda and proposals of articles presented by both parties until the conclusion of the treaty.

From the beginning the Spanish Commission understood that there were two principal problems to which all their efforts should be directed in order to avert, under the protection of justice, as far as possible, the dangers which threatened the sacred interests His Majesty's Government had confided to it—first, the debts and other obligations the Crown of Spain had contracted in benefit of or for the account of the lost colonies; second, the conservation in all its integrity of the Spanish sovereignty in the Philippine Archipelago.

In the negotiations carried on in Washington in the first days of August nothing was said regarding the colonial debts and obligations, and no reference is made to them directly or indirectly in the first two bases for peace; but the Spanish Commission believed that without infraction of said bases, and accommodating them, on the contrary, to the interpretation which a sound judicial judgment should give, it was proper to demand that with the sovereignty of the Spanish colonies ought to pass the obligations which the general Government had contracted in the exercise of said sovereignty, in benefit of the same, or on account of the public service. It was maintained, therefore, that Spain, in renouncing and ceding her sovereignty in the two Antilles, transmitted also, as part of the sovereignty, the special obligations belonging to them. Effort was made to demonstrate to the American Commission that it was not necessary to have an express pact on this point, as the transmission

of the colonial charges and obligations were imposed by common international law, set forth by the most illustrious authors, including those of the American nation, and respected in the most important treaties celebrated in modern times which had for object the cession of part of a domain.

Without entering into a special examination of each of the debts of this class contracted by the general Government, the Spanish Commission limited itself to an affirmation of the principal fundamental truth and demonstration of its justice and the practice up to the present time of civilized states.

The Spanish Commission held that not only the attributes, but also the obligations, should constitute sovereignty, and upon losing the attributes Spain remained exempt from the obligations also; because one and the other are knit together, as effect is bound up with the cause producing it, the whole forming the sovereignty which Spain ceded and renounced. Confronted by the obstinate opposition of the American Commission, the Spanish Commission, in order to demonstrate the good faith with which it argued and the rectitude of the intentions which inspired its debates, proposed to the American Commission that a commission nominated by both parties, with all the conditions of capacity and impartiality that would be necessary, should examine each and every one of the conditions of those obligations, in order that the cession would embrace those debts which, having been legally constituted solely for colonial service, had therefore in their creation been placed as a charge upon the colonial treasury, and were not to be confounded with the proper obligations exclusively appertaining to the general Government, and on this ground should pass with the colony to the new sovereign. The effort of the Commission was fruitless. The American Commission maintained that the obligations of the sovereign did not form part of the sovereignty; that Spain in the protocol had bound herself to renounce the island of Cuba, and according to that Commission this renunciation was equivalent to an abandonment; consequently, neither the United States nor the island were under obligation to accept the debts of the general Government. They tried, although uselessly, to seek reasons for their theory by examination of each of the debts contracted by the general Government for the account of Cuba or for its benefit. They persisted in maintaining that the debt which had been created to cover the expenses of the civil war Spain had been obliged to maintain in order to put down the insurrection of its own subjects in that Antille should be exclusively held to the account of the general Government, as though the preservation of public order in the territory over which sovereignty extended was not one of the prerogatives of a sovereign. Finally, they refused to

concede an examination, by arbitration, of those obligations, persisting in refusing their acceptance, and demanding of the Spanish Commission, as a condition of further continuance of the negotiations, that it accept the articles which had been presented relating to the renunciation of sovereignty in Cuba and cession of Porto Rico.

The Spanish Commission, having exhausted all the arguments which in their opinion bore upon the subject which they had been sustaining, confronted by the ultimatum of the American Commission, proposed, and the latter accepted, that, without denying in the least the right which appertained to Spain (according to the opinion of its Commission) that the obligations peculiar to the colonies should pass with the colonies ceded or renounced, the negotiations of the treaty should be continued, because the advantages conceded to Spain might be such in other matters that she could afford, by way of adjustment or settlement, to give up more or less of her right relative to this important point.

In the conference there was also discussed with great constancy by the Spanish Commission the question of the validity and effectiveness of the mortgage character of the Cuban debt. The American Commissioners refused to acknowledge the mortgage. The Spaniards, on their part, with all solemnity, time and again asserted that Spain never would consent that a foreign power should discuss the legitimacy and validity of the acts of her domestic government, nor would assist in denying or lessening the legality or efficacy of the rights of those creditors who, according to the foundation of their credits, had acquired the right of mortgage upon the proceeds of imports, direct and indirect, of the island of Cuba and of the custom-houses of Cuba and the Philippines. This important question relative to the transferring of the colonial obligations remained without being determined in the conferences, and does not appear set forth in the treaty. The United States, it is true, did not propose to take upon themselves, nor impose upon the island of Cuba, the colonial debts; and, upon the other hand, neither did Spain directly or indirectly acknowledge that these debts should not pass with the colonies. Before the firm attitude of each Commission arose naturally, without express agreement, the only solution possible, which consisted in not placing in the treaty anything referring to the debts. The situation therefore continues, regarding this point, as far as Spain is concerned, in the same state it was upon the opening of the negotiations in Paris. Spain continues to be burdened with the direct and principal obligations contracted upon creating a portion of these debts; but in respect to the mortgage debt she is in the same situation she was before signing the treaty—that is to say, obliged, but only in a subsidiary manner, to the acknowledgment and payment of it, or, what is the

same, when the security which primarily serves as a guaranty to the holders is insufficient.

It was to be expected that the American Commission, upon accepting that form of adjustment which the Spanish Commission proposed in order to continue the negotiations, would offer Spain advantages on other points which were to be the object of the treaty under consideration; because if such advantages were not offered Spain would not find herself, according to the terms of the above-mentioned understanding, in the position of ceding more or less of her right and taking upon herself a greater or less part of the colonial responsibilities.

This expectation was delusive. The American Commission immediately proposed the cession on the part of Spain of her sovereignty over the Philippine Archipelago in favor of the United States, offering Spain the small compensation of tariff immunity for ten years and the payment of \$20,000,000 in gold.

The Spanish Commission maintained with all the energy it was capable that not only was this cession not comprehended in Article III of the protocol, but that it was a very serious infraction of the preliminaries of peace; that the conference of Paris could not concern itself regarding the Philippines otherwise than to discuss the control, disposition, and form of government which Spain was to establish in the archipelago—the only points which were mentioned in Article III of the protocol of Washington, and the determination of which rested upon the basis that the sovereignty must continue to the Crown of Spain. It was shown by the text of the negotiations had in Washington for the completion of the preliminaries of peace, and by the words of the President of the American Union, that in the notes of these negotiations it was set forth that Spain, without contradiction upon the part of the American Government, had expressly reserved her sovereignty in the archipelago. Resistance was of no avail. The American Commission formulated its ultimatum, demanding that the Spanish Commission accept the cession claimed, because otherwise the negotiations would be broken off.

It is clear that this rupture would annul the preliminaries of peace and produce the effect of an immediate renewal of hostilities. The Commission, as your excellency knows, consulted the Government of His Majesty, and, following its positive instructions, had to submit to such an arbitrary ultimatum, although it solemnly delivered a protest, stating that Spain's rights were violated and that she yielded solely to the force which had been made use of, because now Spain had no sufficient means to oppose it.

The Spanish Commission, at the time it was defending the sovereignty of Spain in the archipelago, demanded of the American

Commission (under the provisions of Article VI of the protocol of Washington) that they acknowledge the nullity of the surrender of Manila—an act done in violation of the agreement in that article—and that consequently the United States recognize the obligation which they had of indemnifying Spain for the grave prejudices suffered on account of that action, notoriously illegitimate because the Spanish military forces in the archipelago were rendered useless in putting down the insurrection of its inhabitants.

It is unnecessary to say that—although the American Commission did not venture to maintain, as their Government had maintained last September in the notes exchanged through the French ambassador, denying the contention of the Spanish Government that according to Article VI of the protocol the suspension of hostilities should date from the signing of the protocol and not from the time the commanders of the belligerents received notice of it—the Commission, supported by reasonings which could not endure examination, refused to recognize the illegitimacy of that act of force and its consequences for the United States.

The Spanish Commission, obliged by the ultimatum imposed by the American Commission, had nothing to do but agree with the American Commission on the articles of the treaty which the imposition of the ultimatum had for its sole and exclusive object. The dignity of Spain would not permit (as the Government of His Majesty believed) of treating upon other points in a conference in which, after all that had passed, the Spanish Commission could not deliberate with necessary freedom from the moment it was obliged to submit itself (as it solemnly made known), not to the empire of reason, but to the violence of force.

The Spanish Commission presented, therefore, those articles considered indispensable for satisfying that object, and at the same time, complying with the instructions of your excellency, presented articles relative to the nomination of a technical international commission to investigate the cause of the catastrophe of the *Maine* in the harbor of Habana and declare whether in any manner, even by mere negligence, Spain and her authorities had any responsibility for the accident.

This investigation was made the more necessary because the President of the United States, in his message to Congress (five days after the Spanish Commission had presented to the American Commission the project of these articles, and when it is fair to presume the President had knowledge of them by telegraph from their Commission), had no compunctions in recalling that catastrophe with expressions offensive to the honor of Spain and to her authorities.

The American Commission not only refused the greater part of the articles the Spanish Commission presented in compliance of the ultimatum, but also refused to accept those which referred to the nomination of this technical international commission.

Such an unheard-of refusal could not be acquiesced in, even in silence, by the Spanish Commission. It saw itself, therefore, under the necessity of presenting a new and severe protest, setting forth in it that in the future it would be improper for the United States to again refer to this horrible occurrence in words, clear or disguised, which would attribute the slightest responsibility on the part of Spanish authorities for it; for, contrary to all right, contrary to all consideration, and contrary to all respect, they denied the demand of Spain for a competent and impartial commission for the purpose of clearing up the causes producing the catastrophe.

The American Commission, without entering into a defense of the course of the President of the United States, limited itself to declining all discussion, stating that they were forbidden from doing so by various precedents and practices in the history of their country, and made proposals (in a sense favorable) regarding other articles refused. These articles will not have place in the treaty, but the protocol which the Commission had prepared contains the obligation, initiated by them, that the United States will respect all contracts for public works or services which are valid under international law, returning the sums given in deposit by Spanish subjects as guaranties for undertakings and obligations as soon as under agreement said obligations have been complied with.

This Commission in its trying task had the consolation of having the sympathy of the most worthy organs of the foreign press of Europe. It is, however, obliged to express its sorrow that during the negotiations it suffered from not seeing itself supported by the greater part of the newspaper publications which are considered the indisputable organs of opinion in Spain. The indifference of the public spirit, affirmed incessantly by the press; the lack of judicious exposition, elevated discussion, and defense of the rights of Spain, especially such as would assist her regarding the colonial debt (perhaps the most important matter to save in this conference); the multiplicity of criticisms constantly manifested during these negotiations regarding other matters which had to be determined in the treaty; the eager position maintained from the first by part of this press that Spain should abandon the Philippine Archipelago, on account of considering its conservation incompatible with national interests; the incessant agitation by the other part of the press that the Commission terminate promptly, in any manner whatsoever, ceding immediately to the demands of the Federal Government

(and other matters), converted the Spanish press into an object of preeminent attention on the part of the American Commissioners. God grant that, in weakening the moral authority of this Commission, and the force of their demands, and the reasons upon which they were founded, they may not also have roused the spirit of the Americans to sustain and amplify their demands.

The Spanish Commission (within the narrow limits in which it was able to act, and which for Spain were irrevocably fixed in the preliminaries of the peace signed in Washington August 12 last) was inspired constantly in its efforts during these negotiations not only to the effort to save from the ruins of the colonial empire of Spain whatever might be possible, however unimportant, but also, above all, to the irrevocable resolution of not consenting that they stain the honor and dignity of the country. Spain had been conquered in the war. It was indispensable that its Commission would not consent that she be humiliated on conceding peace.

It is to be believed, therefore, that the Commission has done its duty. It understands that the treaty concluded is less prejudicial to Spain than it might have been, in view of the above-mentioned circumstances, which inevitably made their crushing heaviness felt. The Commission trusts that the future will demonstrate this, and it has hopes that in spite of the solution imposed by the terrible crisis through which the nation has just passed it will be able soon to regain its strength and grandeur. Finally, the Commission believes that the honor and dignity of the country has been saved in these sad negotiations, as fragments most precious from the shipwreck of the old Spanish colonial empire.

Nevertheless, the Commission submits its acts to the judgment of the Government of His Majesty.

The President of the Commission can not conclude this dispatch without bringing to the attention of your excellency the decision, constancy, and abnegation with which has been sustained the sacred cause of the country during these protracted negotiations by the distinguished members of the Commission, the Señors Abarzuza, Garnica, Villa-Urrutia, General Cerero, and Secretary-General Ojeda; also the untiring zeal and inexhaustible industry (which can only be explained by an intense sentiment of patriotic enthusiasm) with which each and every one of those worthy functionaries appointed by the Government of His Majesty to lend their services have supported this Commission.

All things demonstrate how worthy they are of the good will and gratitude of their Government.

Dios, etc.,

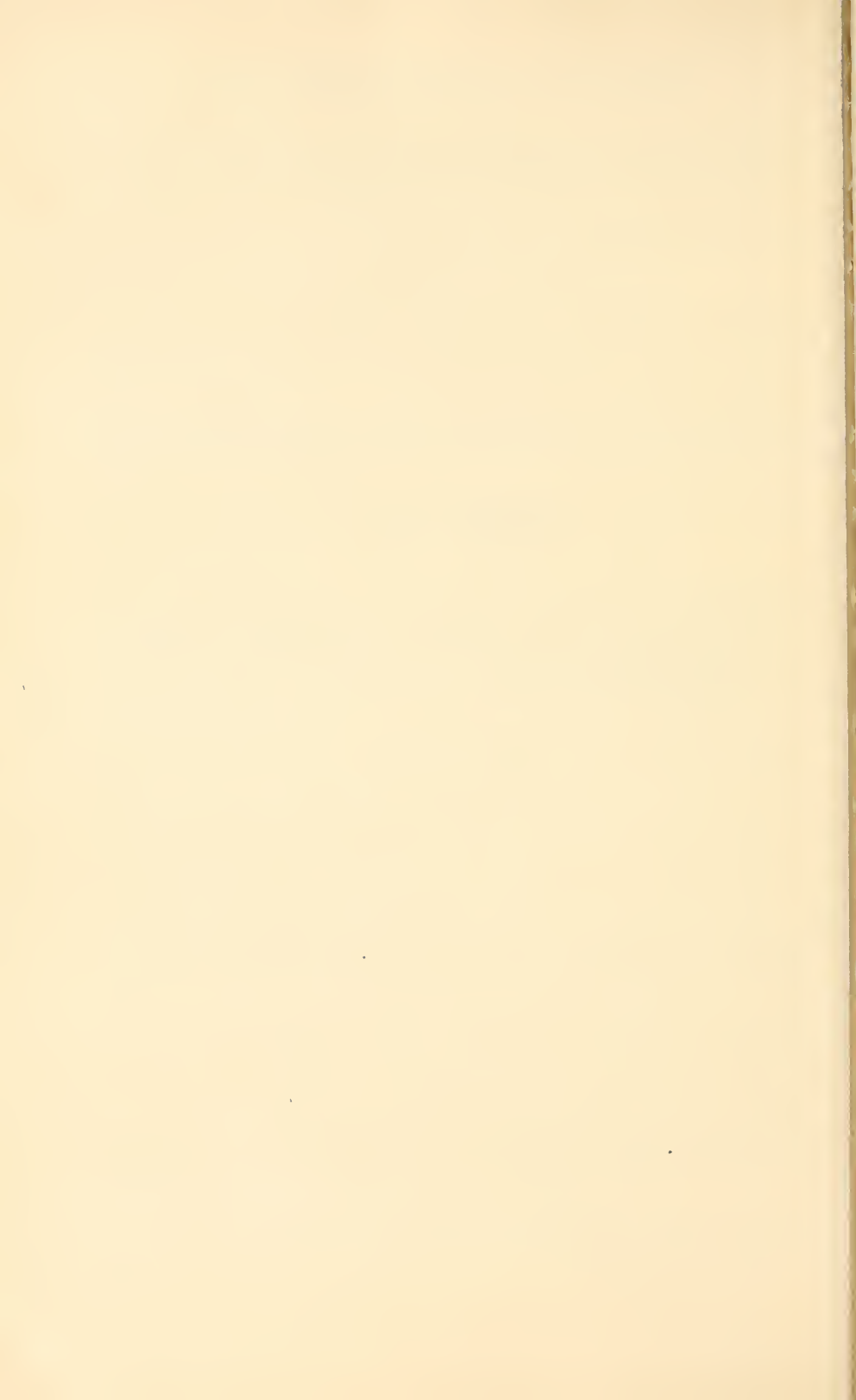
E. MONTERO RÍOS.

PART IV.

NEGOTIATION FOR A TREATY OF CESSION TO THE
UNITED STATES OF THE ISLANDS OF SIBUTÚ AND
CAGAYAN DE JOLÓ.

TRANSLATION.

(Documents presented to the Cortes in the Legislature of 1900 by the Minister of State.)



NEGOTIATION FOR A TREATY OF CESSION OF SIBUTÚ AND CAGAYAN DE JOLÓ.

No. 1.

The President of the Council of Ministers (Minister of State) to the Minister of His Majesty at Washington.

[Translation.]

MADRID, January 15, 1900.

EXCELLENCY: His Majesty's Government has been informed that the American press has echoed the statements of the Senators, Montero Riós and the Count de las Almenas, in relation to some of the islands of the Philippine Archipelago being outside the line of demarcation agreed upon in Article III of the treaty of Paris.

The North American press has fallen into an error, supposing that said islands are situated to the north of parallel 20°, which, according to treaty of August 1, 1895, with Japan, defined perfectly the ancient possessions of Spain in Oceanica.

The islands which in reality have remained outside the demarcation set forth in Article III of treaty of Paris are situated to the south and not to the north of the Philippine Archipelago, and are called Cagayan de Joló and Sibutú, as your excellency will see from the annexed sketch traced in green ink [not printed].

The Spanish delegates in the Paris conferences united in accepting the demarcation the American delegates imposed. The latter freely fixed the limits of the territory whose sovereignty Spain found herself obliged to renounce, it remaining therefore tacitly agreed that all those territories of which special mention of being ceded to the United States was not made would continue under the sovereignty of Spain. Therefore, it was found that the Marianas, with the exception of Guam, and the Carolinas, afterwards ceded to Germany, and the above-mentioned Sibutú and Cagayan de Joló were in this category. It is unquestionable, therefore, that those islands, not being comprehended in Article III of the Paris treaty, would continue by right under the sovereignty of Spain.

The Government of Great Britain would be able to allege some right to the island of Sibutú, according to what is agreed in Article III of the protocol regarding Joló signed May 7, 1885, if it could be proven that the island is within 3 marine leagues of the coast of

Borneo. But the Government of the United States could not allege any title whatever to this island, once outside of the polygon traced by its Commissioners in Paris. In regard to the island of Cagayan de Joló, neither England nor any power has any claim whatever upon it.

The Government of His Majesty, strong in the right which supports it, would not have considered it necessary to make any declaration to the United States in relation to this matter if it had not seen in the newspaper press that the American authorities in the Philippines had made a military occupation of the island Sibutú. On this account His Majesty's Government feels obliged to direct your excellency to invite, in an official manner, the attention of the Secretary of State to the claims of Spain to rights of sovereignty over these two islands; at the same time protesting as to the occupation of Sibutú.

In carrying out these instructions, in a correct and deferential form, your excellency should express the conviction which His Majesty's Government has that the United States has no intention of ignoring the legitimate rights of Spain.

FRANCISCO SILVELA.

No. 2.

The President of the Council of Ministers (Minister of State) to the Minister of His Majesty at Washington.

[Telegram.—Translation.]

MADRID, *January 16, 1900.*

The newspaper press indicate that the Americans took possession of the island of Sibutú, situated in the Joló Archipelago. If this is so, your excellency will formulate a deferential but energetic protest, stating that said island and that of Cagayan de Joló still belong to Spain, on account of being outside the limits of demarcation of Article III of treaty of Paris. Details by post.

F. SILVELA.

No. 3.

The Minister of His Majesty at Washington to the President of the Council of Ministers (Minister of State).

[Translation.]

WASHINGTON, *February 6, 1900.*

EXCELLENCY: In due time I received the telegram which your excellency was pleased to send me on the 16th of January, ordering

me to present to this Government a proper protest against the occupation by the American forces of Sibutú on account of it, as well as the island of Cagayan de Joló, being outside the demarcation set forth in the treaty of Paris, December 10, 1898, which fixed the limits of the territories ceded in those seas by Spain to the United States.

The telegram added that details would be sent by post.

As these might be important in drawing up the mentioned protest, I determined to await them, and yesterday received the royal order No. 9 of January 15, and therefore, with a better understanding of the question, to-day directed to the Secretary of State a protest note, a copy of which is annexed, and the terms of which I submit to the superior approbation of your excellency.

Dios, etc.,

THE DUKE DE ARCOS.

The Minister of His Majesty at Washington to the Secretary of State.

LEGATION OF SPAIN IN WASHINGTON,

Washington, February 6, 1900.

MR. SECRETARY: I have the honor, in the name of His Catholic Majesty's Government, to call the attention of the United States Government to the following facts:

The treaty of peace signed at Paris, December 10, 1898, defines in detail, in its third article, the territories in the Pacific Ocean and the China Sea whose sovereignty is ceded by Spain to the United States. The said article draws, with great precision, the lines comprising the ceded territories, while another article, the second, designates, in the clearest manner, the territory which, lying outside of those lines, is likewise ceded to the United States. Exclusive of what is so explicitly marked by the treaty, all the territories in those bodies of water which are not mentioned remained under the sovereignty of Spain. Such is the case with the Carolina and Mariana islands, excepting Guam, which were subsequently ceded to Germany; and such is also the case with the islands of Sibutú and Cagayan de Joló.

These two islands lie west of the meridian of longitude one hundred and nineteen degrees and thirty-five minutes ($119^{\circ} 35'$) east of Greenwich and south of the parallel of latitude seven degrees and forty minutes ($7^{\circ} 40'$) north, and consequently they are, beyond dispute, outside of the lines that are fixed, with all accuracy, by the treaty of Paris to inclose the territories ceded by Spain to the United States.

When the aforesaid treaty was concluded, the American delegates insisted upon the demarcation which they thought proper, and the Spanish delegates confined themselves to accepting it, since they had no means to make any resistance. The American delegates took care that the treaty should name the territories which were outside of the demarcation and the sovereignty over which was likewise transferred to the United States, as, for instance, the island of Guam. Spain was thus deliberately allowed by the Americans to retain the sovereignty and possession of Sibutú and Cagayan de Joló.

His Majesty's Government, feeling sure of its rights, paid no attention to certain statements published by the newspapers, if I remember correctly, in the month of October last, in which the sovereignty over those islands was discussed. It was,

however, greatly surprised on seeing, recently, in the American newspapers, a statement to the effect that the island of Sibutu had been occupied by the Federal forces.

This statement may not be true, in which case I will thank the honorable Secretary of State to so inform me. Or, if it is true, the step in question may have been taken without superior orders and merely through the indiscreet and ignorant zeal of a subordinate military officer. In the latter case, I hope that orders for the withdrawal of those forces will be issued without a moment's delay. But, in case the step has been taken with the consent and approval of the United States Government, which does not seem probable, I am obliged formally to protest against it in the name of the Government which I represent, and to declare that it is contrary to the law of nations; for, if the statement is true and the act has been approved, the American forces have occupied, in time of peace, a territory belonging to a friendly nation.

I therefore appeal, as earnestly as I can, to the sentiments of justice, rectitude, and equity of the President of the United States and his Government, feeling convinced, as I do, that the act of which I complain is to be attributed simply to an error, which I trust will be immediately rectified by the withdrawal of the American troops from Sibutu.

In conclusion, I once more call the attention of the honorable Secretary of State to the very clear and precise terms of article 3 of the treaty of Paris, feeling certain, moreover, that the President of the United States will at once recognize the justice of my complaint.

I avail, etc.,

ARCOS.

No. 4.

The Minister of His Majesty at Washington to the President of the Council of Ministers (Minister of State).

[Translation.]

WASHINGTON, February 14, 1900.

EXCELLENCY: Yesterday I had the honor of sending your excellency a telegram advising you that the Americans had occupied the islands of Batanes and Calagan to the north of the Philippine Archipelago. It seems evident that there has been sent from here orders to immediately occupy all those points the possession of which is doubtful according to the demarcation of the treaty. The islands lately occupied—which I see are differently called Tatanes and Batanes, Calagan and Calayan—I am assured are to the south of the Strait of Bachi. As Article III of the treaty of peace designated as the line of inclusion of the Philippines a line *near* parallel 20°, running through the center of navigation of the Strait of Bachi, these islands are therefore clearly comprehended among the territories ceded.

I have not yet received an answer to my note of protest of the 6th instant, whose text I had the honor of remitting to your excellency in dispatch No. 13 of the 6th instant. When received I will inform your excellency as to its contents.

Dios, etc.,

THE DUKE DE ARCOS.

No. 5.

The President of the Council of Ministers (Minister of State) to the Minister of His Majesty at Washington.

[Telegram.—Translation.]

MADRID, February 26, 1900.

I beg your excellency to inform me if it is true, as affirmed by the press, that the United States Government has acknowledged, by virtue of the treaty of Paris, Spain's right to the islands of Cagayan de Joló and Sibutú.

F. SILVELA.

No. 6.

The Minister of His Majesty at Washington to the President of the Council of Ministers (Minister of State).

[Telegram.—Translation.]

WASHINGTON, February 27, 1900.

The reports up to this date regarding the islands are not correct. This morning they [the Department] simply acknowledge receipt of my protest of the 6th instant, stating that such an important matter requires careful consideration.

THE DUKE DE ARCOS.

No. 7.

The Minister of His Majesty at Washington to the President of the Council of Ministers (Minister of State).

[Translation.]

WASHINGTON, February 28, 1900.

EXCELLENCY: Day before yesterday I had the honor of receiving the telegram which your excellency was pleased to send me, asking if the statement in the press was true that the United States had acknowledged the sovereignty of Spain over the islands of Sibutú and Cagayan de Joló. I immediately answered that the statement was not confirmed.

In fact, the same morning I received (but with date of the 24th) a simple acknowledgment of receipt of my protest (made by order of your excellency of the 6th instant) regarding the occupation by an American force of these said islands. In acknowledging receipt a sentence was added, stating that such an important matter was being examined with the consideration it merited. This tardy acknowledgment of receipt, with the observations which accompanied it, no

doubt is due to the published statement. I, myself, in seeing this in a newspaper several days before, was in doubt whether I should telegraph your excellency or not regarding the matter, and delayed doing so until I had some news, if not official at least more positive, and in the interval I received the acknowledgment of receipt from the Department of State and the telegram of your excellency. Although I would be much rejoiced if I were mistaken, I yet persist in the opinion I have stated to your excellency that this Government will try to sustain what has been done—that is to say, it will claim to have a right to the possession of those islands. This opinion was confirmed by a conversation I had a short time ago with the Secretary of State, in which I talked with him of the question. Mr. Hay said nothing positive to me, limiting himself to stating that this matter was of such importance that it would require a most careful examination. He added that the President had consulted all the delegates present in Washington who had signed the treaty—that is to say, all except Mr. Day—in order to inquire how the error of leaving these islands outside the demarcation occurred. He had also consulted another person, whose name I do not recall, but who is an eminent geographer. But according to my views geography has little to do with this affair, because I do not believe that it can be disputed that the islands are not included within the lines fixed by the treaty. It seems to me that their principal argument will support the point that in contracts there is, above everything, necessity of taking into account the intentions of the contracting parties, and that it was in this case the intention of the United States, with the consent of Spain, to obtain possession of all the group of the islands of the Philippines and Joló, without any exception. This interpretation is easily combated, but I said nothing on the subject in my conversation with Mr. Hay, reserving my arguments until my note of 6th instant is answered.

On the other hand, I know that this question has attracted the attention of the different legations of Europe, and that Lord Pauncefote, ambassador of England in this capital, not formally, but in a conversation with the Secretary of State, has made allusion to the rights which Great Britain eventually would have in the island of Sibutú. It is not necessary to add that as soon as I have any positive advices regarding this interesting point, your excellency will be advised by telegraph.

Dios, etc.,

THE DUKE DE ARCOS.

No. 8.

The Minister of His Majesty at Washington to the President of the Council of Ministers (Minister of State).

[Translation.]

WASHINGTON, April 9, 1900.

By note dated the 7th, the United States Government refuses to return the two islands demanded in the archipelago of Joló, founding their action on the ground that it was the intention of the treaty that all the Philippine and Joló archipelagoes should be ceded to the United States.

THE DUKE DE ARCOS.

No. 9.

The Minister of His Majesty at Washington to the President of the Council of Ministers (Minister of State).

WASHINGTON, April 11, 1900.

EXCELLENCY: After a delay of more than two months I received, day before yesterday, under date of the 7th, the note (a copy and translation of which I have the honor of inclosing) answering my note of February 6 relative to the sovereignty of the islands of Sibutú and Cagayan de Joló. By telegraph I gave your excellency an immediate advice of it.

The note shows the intention this Government has of preserving the dominion of both islands. For this no other reason is given than that the undoubted intention of the United States on making the treaty of peace was to obtain complete cession of all the territories which form the archipelagoes of the Philippines and Joló, and the subsequent acquiescence of Spain. Other consideration of pure advantage to the United States, which the note contains, scarcely merit being taken into consideration, at least in the discussion of principles. Without prejudice to what your excellency has ordered me to answer, I believed there should at once be given an answer to the contentions of the Secretary of State, and yesterday I sent him a note, a copy of which is inclosed, and whose terms I submit to the superior approbation of your excellency.

The long time the Department has taken to announce its determination has been employed in gathering exact information regarding the situation of the islands, and also in seeking plausible reasons in order to defend a conclusion so contrary to the explicit precepts of the treaty of Paris. To these data is due that the note clearly confesses that the islands are outside the demarcation fixed by the treaty.

Dios, etc.,

THE DUKE DE ARCOS.

[Inclosure 1.]

The Secretary of State to the Minister of His Majesty at Washington.

No. 89.]

DEPARTMENT OF STATE,

Washington, April 7, 1900.

SIR: The necessity of giving careful attention to the subject has deferred until now a reply to your note of the 6th of February last, in which, in the name of your Government, you protest against the reported occupation by the United States troops of the island of Sibutu, which, as well as that of Cagayan de Joló later mentioned in your note, is claimed to lie outside of the boundary line described in the treaty of peace and therefore to remain in the possession of Spain, in view of which you ask that these islands be evacuated without delay.

The islands in question were not occupied in pursuance of express orders from Washington, but were taken possession of by vessels of the United States in fulfillment of the obvious duty of the agents of this Government to care for law and order in all parts of the Philippine group where the previous authority of Spain, if ever established in tangible administrative shape, had ceased to be asserted.

Perhaps the one most salient and positive fact of the negotiations for peace was the requirement of the United States Commissioners that Spain should wholly withdraw from and wholly convey to the United States the islands of the Philippine Archipelago, without reservation of any sovereignty or shadow of sovereign rights therein. It is a matter of history that the Spanish Commissioners sought to qualify this requirement by drawing a distinction between what they called the Philippine Archipelago proper and the Malayan groups to the south and southwest, stretching from Mindanao to the coast of British North Borneo, but this distinction was not admitted by the American negotiators, who stood out for the broadest and most comprehensive description of the groups to be ceded—namely, the archipelago known as the Philippine Islands. They believed that the cession comprehended, and they most certainly believed that the Spanish Commissioners also believed and intended the cession to comprehend, all the territorial sovereignty and title of Spain in that quarter of the western Pacific bounded by the coterminous jurisdiction of Japan to the north, of British Borneo to the southwest, and of Dutch Borneo to the south and southeast. What Spain owned within those confines passed to the United States; what territory Spain did not own, she did not purport to convey, even as she did not purport to reserve any territorial rights in that quarter. The metes and bounds defined in the treaty were not understood by either party to limit or extend Spain's right of cession. Were any island within those described bounds ascertained to belong in fact to Japan, China, Great Britain, or Holland, the United States could derive no valid title from its ostensible inclusion in the Spanish cession. The compact upon which the United States negotiators insisted was that all Spanish title to the archipelago known as the Philippine Islands should pass to the United States—no less nor more than Spain's actual holdings therein, but all. This Government must consequently hold that the only competent and equitable test of fact by which the title to a disputed cession in that quarter may be determined is simply this: Was it Spain's to give? If valid title belonged to Spain, it passed; if Spain had no valid title, she could convey none.

The validity of the Spanish title at the time of the signature of the treaty of peace to the islands of Sibutu and Cagayan de Joló appears not to admit of doubt. The island of Cagayan de Joló is expressly declared by the protocol signed at Madrid, March 7, 1885, between Germany, Great Britain, and Spain, to "form part of the archipelago" of Sulu; while Sibutu, which lies more than 3 marine leagues from the coast of Borneo, and is thus outside of the stipulated sphere of the British holdings, appears equally to have been recognized as lying within the dominions of the Sultan of Sulu.

This Government therefore conceives that from every view-point of moral and equitable right, as derived from the nature of the case and the unquestionable faith of the negotiators, it is justified in holding that the title of Sibutu and Cagayan de Joló has effectively passed to the United States, and has been equitably and rightfully confirmed by material occupation. The dividing line, as it existed at the time of the cession, between the jurisdiction of Spain in the Philippines and the dominions of other sovereign powers constituted an actual demarcation more effective for all international purposes than a natural boundary, which latter, by a widely admitted rule of international law, prevails over a conflicting recital of courses and distances.

The simple facts of the case are that the two islands in question, lying a few miles westward of the treaty line which professed to describe the limits of the archipelago known as the Philippine Islands, have not hitherto been directly administered by Spain, but have been successfully claimed by Spain as a part of the dominions of her subject, the Sultan of Sulu. As such they have been administered by Sulu agencies under some vague form of resident supervision by Spanish agencies, which latter appeared to have been withdrawn as a result of the recent war. The effect of the occupancy of the islands by the United States naval forces has not been to set up an isolated government therein, but to confirm their dependence upon and identity with the administrative scheme of the Mohammedan group of the Philippines.

Neither the situation nor the material importance of the two islands permits of their maintenance under a separate government, while it is impossible to contemplate their being cut off from all surrounding spheres of administration and left as irresponsible no-man's-land, to be, perchance, a focus of perturbation to the revenues and the peace of their neighbors.

Be pleased, etc.,

JOHN HAY.

[Inclosure 2.—Translation.]

The Minister of His Majesty at Washington to the Secretary of State.

SPANISH LEGATION AT WASHINGTON,

April 10, 1900.

MR. SECRETARY: I have had the honor to receive your note of the 7th instant in reply to the one I addressed to you on the 6th of February last, touching the sovereignty of the islands of Sibutu and Cagayan de Joló.

I have hastened to transmit the text of your note to the Government of His Catholic Majesty, but I regard certain of the theories contained therein as requiring an immediate answer, and I therefore proceed to lay before the American Government the following brief observations:

The principal, and well-nigh the only, argument of the honorable Secretary of State in support of the determination of the Government of the United States to keep the said islands is the affirmation that it was the intention of the United States, in signing the treaty of peace, to obtain from Spain the complete cession of the territories which make up the archipelagoes of the Philippines and Sulu, and it is added that the Spanish Commissioners sought to save a part of those territories, but that they had to yield before the insistence of the American Commissioners.

I am not qualified to interpret the recondite intentions of the signers of the treaty of peace, and, if I may be permitted to say so, neither is the Secretary of State on this occasion. Each of the two Governments must necessarily conform to the clear and concrete statements of the treaty, and the latter marks and defines the limits of the ceded territories. The honorable Secretary of State recognizes in

his note that the two islands lie outside of those limits, and likewise observes that the American Commissioners, notwithstanding the resistance of the Spanish Commissioners, insisted on determining what should constitute the totality of the ceded territories. The American Commissioners, therefore, knew what they wanted; they fixed the boundaries of what they sought to obtain and they expressed those limits in clear and precise phrases, which do not admit of any other interpretation whatever than what they in terms say; and the Spanish Commissioners had no resource but to sign what the Americans dictated to them. There is, therefore, no room now to seek for the intentions of the signers of the treaty. There can exist for the two Governments no other intentions than those expressed in the treaty itself, and the treaty clearly marks what the boundaries of the ceded territories are.

And in this relation I must protest against the dangerous doctrine which is attempted to be established by the note of the Department of State to which I have the honor to reply. If it were allowable, after signing a compact in explicit and clear terms, to hunt out and interpret the intentions of the contracting parties, no pact, or convention, or treaty would be safe, nor have any value whatsoever. But fortunately it is not thus, and universal jurisprudence has established that the literal terms of compacts, when they are clear, determine the object and force thereof.

In the present case, I repeat, the text of the treaty clearly and carefully delimits the ceded territories, and therefore all that has been excluded from this demarcation remains under the sovereignty of Spain. It is in vain for the note of the Department of State to suggest another demarcation limited by the respective jurisdictions of Japan, British Borneo, and Dutch Borneo; the treaty of peace, to which we must adhere, makes no mention of any such suggestions, the signers having preferred, and with reason, to make use of fixed and clear terms, the significance of which is not open to discussion.

The note of the honorable Secretary of State mentions, in its last part, the fact that the situation and the material importance of the two islands do not permit of their existence under a government apart from the main group, and that, if left to themselves, they might become a no-man's-land and a center of perturbation for the neighboring islands. If this latter case should ever arise, it will then be time to demand a remedy; and whether a separate dominion may or may not be agreeable to the neighboring American islands is a point which I can not here discuss, since I am treating a question of right and not of convenience. I am treating a question of principles, since the value of the islands is little or nothing for Spain, but no government can abandon a territory which belongs to the nation.

The matter appears to me to be so clear that I see no utility in dilating further upon it; but I do believe that when the honorable Secretary of State reads this note (if such be the practice) before the President of the Republic and the members of his Cabinet each one of them will remember that, however expedient (*conveniente*) it may be for America to conserve dominion over the islands, as she holds in her hand the power to do, it is not only implicitly declared, but solemnly and under the signature of the United States, that those islands are the lawful property of Spain.

I avail, etc.,

ARCOS.

No. 10.

The Minister of His Majesty at Washington to the Minister of State.

WASHINGTON, April 19, 1900.

EXCELLENCY: The note which I directed to the Department of State the 10th of the month relative to the sovereignty of the islands of Sibutú and Cagayan de Joló, and a copy of which accompanied my dispatch No. 58 of the 11th instant, has brought a note from the Secretary of State in which observations are made regarding two phrases in my note. I inclose a translated copy of this note of the 16th instant. The two phrases which do not please the Secretary of State consist, the first in my having said that neither he nor I were qualified to inquire into the hidden intentions of the signers of the treaty of peace of Paris; for exactly on this point depends the entire controversy, because it is founded simply upon the fact that the American Government believes the decision should depend upon the supposed intentions of the signers of the treaty, while I hold it is not possible to take into consideration any intentions other than those expressed in the treaty. I do not believe it is possible to object to the phrase used by me, and so I have let it stand.

The second of my phrases which was not acceptable states that the United States was able, if so determined, to conserve the dominion over the islands of Sibutú and Cagayan because it had the power to do so. The phrase is not unconditional, as I said that, although this is the case, without doubt the United States will remember it is implicitly set forth in the treaty of Paris that the islands remain under the dominion of Spain.

Certainly I did not write this phrase inadvertently. It was my design to let the American Government see that if it finally determined to hold the islands Spain would continue in the idea that there had been imposed upon her a deed entirely unjust, although she had no means of avoiding it.

Nevertheless, I have thought that if the phrase seemed harsh to the Secretary of State it would be best to explain well its meaning, taking away from it the unconditional character it had acquired in translation. Therefore, I have directed to him, under date of the 17th, a brief note. I decline to consider the first phrase, and explain without withdrawing it the exact sense of the second. I hope that my note will obtain the valued approbation of your excellency.

Your excellency will observe that in the two notes of the United States Government, particularly in the second, it is considered that the discussion of the question of the sovereignty of the islands remains open, because it is stated that the reply of Spain is expected, without prejudice to what I gave to the American note of the 7th

instant. This, according to my judgment, would indicate that the United States Government, although up to this time it has not confessed it, does not see an apt method of sustaining its theory of investigation of the intentions of the signers of the treaty of peace, and would settle the difficulty, after prolonging the discussion as much as possible, by some act. If this should be the case, it appears to me it would be best that I know as soon as possible the wishes of the Government of His Majesty.

Dios, etc.,

THE DUKE DE ARCOS.

[Inclosure 1.]

The Secretary of State to the Minister of His Majesty at Washington.

No. 91.]

DEPARTMENT OF STATE,
Washington, April 16, 1900.

SIR: I have had the honor to receive your note of the 10th instant, in response to mine of the 7th concerning the sovereignty of the islands of Sibutú and Cagayan de Joló.

You will kindly permit me to demur to that part of your rejoinder which questions the qualifications of yourself and myself for interpreting what you call "the recondite intentions of the signers of the treaty of peace." My note of the 7th did not invite you to meet me in the field of conjecture. I dealt simply with the fact—of record in the proceedings and protocols of the Peace Commission—that the demand of the United States Commissioners comprehended the whole of the archipelago known as the Philippine Islands, without division, separation, or reservation, and that the Spanish Commissioners acquiesced therein.

I feel that I may also take exception to your concluding observation, in regard to America conserving dominion over the islands in question "as she holds in her hand the power to do," if it covers, as it appears to do, an unmerited imputation that the right of possession asserted by the United States is maintainable through mere exercise of power. This Government is moved in the matter by high considerations of principle, no less than is your own.

Noting that you have transmitted the text of my note to the Government of His Catholic Majesty, and deferring further treatment of its subject-matter until I shall be made acquainted with your Government's reply, I avail, etc.,

JOHN HAY.

[Inclosure 2.—Translation.]

The Minister of His Majesty to the Secretary of State.

SPANISH LEGATION AT WASHINGTON,
Washington, April 17, 1900.

MR. SECRETARY: I have the honor to acknowledge the receipt of your note of yesterday's date, which contains two remarks in regard to my note of the 10th instant, relative to the sovereignty over the Sibutú and Cagayan de Joló islands. I will say nothing respecting the first of said remarks, since it merely bears upon a difference of opinion; but I have no objection to state in regard to the second that the meaning of one of the sentences with which I close my note of the 10th does not in any manner imply that I believe that the United States are disposed to

assert by the mere right of might their sovereignty over the said islands. On the contrary, I am persuaded that only high considerations of principles will finally determine the question.

Hoping that this spontaneous explanation may prove satisfactory to you, Mr. Secretary of State, I avail, etc.,

ARCOS.

No. 11.

The Minister of State to the Minister of His Majesty at Washington.

MADRID, May 12, 1900.

EXCELLENCY: I have the honor of informing you that I have received your dispatches Nos. 58 and 61 of the 11th and 19th ultimo, which were accompanied by copies of the notes exchanged with the Secretary of State of the United States, bearing upon the discussion raised in regard to the sovereignty over the islands of Sibutú and Cagayan de Joló.

To this end I sent your excellency day before yesterday the following telegram:

Received dispatches 58 and 61. I think you have not gone beyond faithful and correct terms of discussion, which should not offend the United States. The Government of His Majesty is disposed to cede the islands to the United States for a price, being able to have recourse to a third power to name it, if you are not able to come to a mutual understanding. Telegraph result of efforts of your excellency to this end.

The contentions in your excellency's note that neither the Secretary of State nor yourself is competent to investigate the hidden intentions of the negotiators of the treaty of Paris when they determined and detailed with the greatest geographical scrupulousness the limits of the possessions ceded by Spain to the United States is in accordance with sound doctrine sustained by statesmen.

"When," with much reason, says Vattel (*Le Droit des gens*, vol. 2, p. 251), "a document is drawn up in clear and precise terms, its sense is manifest and does not conduce to absurdity, there is no reason for not lending to it the sense it naturally has. To make conjectures in another form to restrict or amplify it is equivalent to attempting to avoid it. Admitting such a dangerous system, any document would result fruitless. If the light shines in all its dispositions, if it is conceived in terms most clear and precise, all will be useless if it is possible to allege different arguments to sustain that it should not be understood in its natural sense. *An interpretation is not admissible of that which has no necessity of interpreting itself.*"

Besides, as Vattel also says, "if he who is able and should explain fully and with all clearness has not done so, so much the worse for him, because it is not possible to permit him afterwards to adduce restrictions which he has not expressed."

Once the sovereignty of Spain is recognized over the islands of Cagayan de Joló and Sibutú, our right remaining in safety, the Government of His Majesty thinks that your excellency will be able to arrange their sale to the United States, and to indicate also to the Secretary of State that if it is so preferred the question can be submitted to an arbitration, whether it be to treat jointly, or simply to fix the price, if the sale be made.

By royal order I communicate the above to you for your information and proper guidance.

Dios, etc.,

THE MARQUIS DE AGUILAR DE COMPÓO.

No. 12.

The Minister of State to the Minister of His Majesty at Washington.

[Telegram.—Translation.]

MADRID, May 13, 1900.

You may send note stating that we would be disposed to cede the islands to the United States.

MARQUIS DE AGUILAR DE COMPÓO.

No. 13.

The Minister of His Majesty at Washington to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, May 22, 1900.

Without prejudicing in any way the question of acknowledgment of sovereignty claimed, the American Government desires to know, confidentially, what would be the price Spain desires for them. I gather from my interviews that the United States is disposed to give a very small amount.

DUKE DE ARCOS.

No. 14.

The Minister of His Majesty at Washington to the Minister of State.

[Translation.]

WASHINGTON, May 25, 1900.

EXCELLENCY: In good time I had the honor of receiving your excellency's telegram of the 10th instant, giving me instructions relative to the claim on the part of Spain of sovereignty over the islands of Sibutú and Cagayan de Joló, amplified by another

of the 13th instant in answer to mine of the 12th. In compliance with them I directed to the Secretary of State, as a first step, and with date of the 19th instant a note, copy of which accompanies this and which I submit to the approbation of your excellency.

This note is very short and is limited to confirming and ratifying what I expressed in my former notes. I considered that in no manner was it best to discuss any argument which was not the same I had used and which your excellency was pleased to approve in royal order No. 67 of the 12th instant, received later. This argument is that the treaty of Paris speaks for itself in clear and precise precepts. On the other hand, I have thought that an incontrovertible argument loses force if it is presented in a prolix manner, and therefore the note contained only the affirmation of the point that His Majesty's Government does not withdraw from the position it has taken in this discussion, and that it considers unassailable the sovereignty of those islands which the treaty of Paris has left to Spain.

Some days after having written said note I had occasion to see Mr. Hay. I told him then (as an idea entirely my own) that as he was assured that up to this time Spain had not treated with Germany, nor with any other power, it appeared probable to me that, her sovereignty being acknowledged, the islands not being of utility to Spain, she would treat for their disposal in some manner, and that probably the first power they would be offered to would be the United States, as having the most interest in them. Then, after profuse oratorical precautions and protests that he had not changed his opinion that the islands belonged to the United States, by reason of the intent of the signers of the treaty, he asked me very confidentially the question (which I the same day transmitted to your excellency by telegraph) relative to the price Spain would accept for them. To-day I received your excellency's answer, and in a few days I will again talk with Mr. Hay on the subject. This will not be until the 31st of the month, for to-morrow the Secretary of State accompanies the President upon a trip of several days. I do not think that the interview will result in anything, because surely Mr. Hay will limit himself to hearing my proposition and saying that he will communicate it to the President. If it should happen otherwise, I will immediately advise your excellency.

Dios, etc.,

THE DUKE DE ARCOS.

[Inclosure.—Translation.]

The Minister of His Majesty to the Secretary of State.

LEGATION OF SPAIN AT WASHINGTON,

Washington, May 19, 1900.

MR. SECRETARY: I have the honor to inform you that the Government of Spain has carefully considered your note of the 7th ultimo, written in reply to mine of the 6th of February last, both having reference to the islands of Sibutu and Cagayan de Joló. It also has knowledge of my note of April 10 on the same subject; and, in view of that correspondence, it has instructed me to insist and to endeavor to convince the American Government of the justice of the claim of the Government which I represent, to the end that the sovereignty of Spain over the aforesaid islands may be recognized.

I do not propose, for this purpose, to adduce any new argument, since the position which I have taken in this discussion fully supports, in my opinion, the view which I uphold. That position consists simply in asking for the strict and literal fulfillment of the treaty of Paris, without admitting that intentions may be invoked which found no expression in said treaty. Such intentions might, perhaps, furnish matter for discussion if the treaty, in mentioning them, did not define them with all precision and clearness. That document, however, in providing for the cession of certain territories by Spain, immediately proceeds to delimit them with accuracy, and leaves nothing for an ulterior interpretation. I am aware that, however great may be the care with which treaties are drawn up, sentences frequently occur in them whose interpretation is doubtful and which furnish ground for controversy. It seems to me impossible, however, to apply this to the present case, in which geographical boundaries are concerned which are stated with precision—*i. e.*, in which a mathematical proposition is concerned.

The American plenipotentiaries who signed the treaty doubtless knew what they were doing. If they had the intention to ask for more than the treaty calls for, it is certainly useless to inquire now as to the reason which prevented them from carrying out their intention. The fact is that they did not do it. And if they had any such intention the honorable Secretary of State must admit that the Spanish plenipotentiaries, in their turn, naturally intended to concede as little as possible.

I have said, in one of my previous notes, that recondite intentions entertained by the signers of the treaty were not to be sought for now. My contention is that both Governments must abide exclusively by the clear provisions of that instrument, and therefore I consider all intentions, ideas, or desires that do not appear in the treaty itself as recondite, so far as the present case is concerned.

I have stated that I did not deem it necessary to adduce any new arguments, and I consequently close this note by calling the attention of the American Government to the justice and propriety of a strict and literal execution of the stipulations of the treaty of Paris, which fixes certain limits that can not be extended ad libitum, and likewise to the inadmissibility of asking now, for one reason or another, for something that was not asked for when the treaty was signed. I appeal to the sentiments of equity of the President of the Republic and his Government, and I feel confident that the sovereignty of Spain over those islands, which the treaty of Paris left unimpaired, will be recognized.

I avail, etc.,

THE DUKE DE ARCOS.

No. 15.

The Minister of State to the Minister of His Majesty at Washington.

[Telegram.—Translation.]

MADRID, May 26, 1900.

I consider \$100,000 a very moderate indemnification for the two islands. Your excellency can demand it and await proposition of the United States Government.

THE MARQUIS DE AGUILAR DE CAMPÓO.

No. 16.

The Minister of His Majesty at Washington to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, June 14, 1900.

The American Government offers \$50,000 for the islands. I have tried earnestly to obtain a larger amount, without success.

THE DUKE DE ARCOS.

No. 17.

The Minister of State to the Minister of His Majesty at Washington.

[Telegram.—Translation.]

MADRID, June 16, 1900.

The price of \$50,000 is not acceptable on account of the islands being situated on the route to Australia.

MARQUIS DE AGUILAR DE CAMPÓO.

No. 18.

The Minister of His Majesty at Washington to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, June 17, 1900.

If there is no agreement as to price for islands, matter will be the status in which official note left it—that is to say, the United States will continue sustaining its right to the property, for the recent negotiations have been confidential.

THE DUKE DE ARCOS.

No. 19.

The Minister of State to the Minister of His Majesty at Washington.

[Telegram.—Translation.]

MADRID, *June 28, 1900.*

To not acknowledge the sovereignty of Spain over the islands is to disown the text of the treaty of Paris. Price offered is not acceptable.

MARQUIS DE AGUILAR DE CAMPÓO.

No. 20.

The Minister of His Majesty at Washington to the Minister of State.

[Telegram.—Translation.]

WASHINGTON, *June 30, 1900.*

I have notified the Government as to the decision of your excellency respecting the price for the islands. I do not, however, consider the matter terminated, because I am still working to obtain the price demanded by His Majesty's Government. I have the promise of the Secretary of State to further consider it. Absence of the President will delay negotiations.

THE DUKE DE ARCOS.

No. 21.

The Minister of His Majesty at Washington to the Minister of State.

[Translation.]

WASHINGTON, *June 30, 1900.*

EXCELLENCY: After a conversation with the Secretary of State of the United States the 14th instant, I had the honor of sending you a telegram stating that the Government offers for the islands of Sibutú and Cagayan de Joló \$50,000. The answer of your excellency refusing such a small offer gave me to understand that the Government of His Majesty took it for granted that in this contingency it at once remained in possession of the islands and free to preserve them or dispose of them without any opposition. Your excellency did not have knowledge of my conversation with the Secretary of State on the 14th instant, from which I deduced the contrary, and therefore I sent your excellency another telegram the 17th, calling your attention to the exact state of the question.

In fact, on stating to Mr. Hay that in my opinion the offer he made was not admissible on the part of the Government of His

Majesty, and on placing before him all the considerations that occurred to me regarding the moderation in the price demanded by Spain and respecting the advantage of terminating this question in a manner satisfactory to both countries, Mr. Hay said to me that as far as he was concerned he would accede with pleasure to the wishes of the Spanish Government, but the President and his Cabinet were of the opinion that although the difference between the amount demanded and that offered signified nothing in itself it would signify much with the Senate, to whose approbation it was necessary to submit any negotiation, and to the House of Representatives, from whom it was necessary to ask the funds.

The Secretary of State added that as all the recent considerations—that is to say, regarding the price—had been confidential, if an arrangement were not arrived at, they would be void, and the question would revert to the state in which the official notes left it. Your excellency knows (as all the correspondence is in your hands) that in the American notes, far from acknowledging the Spanish sovereignty, there has been sustained with firmness the legitimacy of the possession of the United States, in virtue of the intention of the signers of the treaty of Paris, which is evident by the protocols preceding it. Mr. Hay's conversation showed me therefore clearly his intention to continue the same contentions in the event of Spain not accepting what was offered her. On this account, before definitely refusing the American proposition, I sent your excellency on the 17th instant my second telegram setting forth this circumstance, and proposing the alternative of uniting the negotiations relative to the islands to the project of an additional convention, accepting the price proposed, on condition of obtaining other advantages in it. The motive I had in bringing before your excellency this last (proposition) consists in the ardent desire I have (for reasons I will soon set forth) that the affair of the islands be terminated in a manner satisfactory to both Governments.

At the same time that I sustained the right of Spain with sufficient firmness (at least I hope that it has so appeared to your excellency), in my conversations with Mr. Hay I endeavored to soften the asperity (of our contention), because I believed it my duty. Without lessening in any degree our claim, I brought to his mind that he who forms part of an administration knows better than anyone that a government can not abandon territory of the nation. I have not sustained that at the signing of the treaty of Paris we may have known that these islands remained to us, but on the other hand I have claimed that because as a result of the treaty the islands are ours we must necessarily claim them, and that if there has been an error, which I am not aware of, law and custom demand that we are the ones to

obtain benefit from it. I have not affirmed that the islands of themselves have any value, but I have maintained that, finding ourselves with this property, it is necessary that we preserve it or cede it for a consideration. I have striven to make it clear that the Government of His Majesty is not at liberty to act in any other manner, and I believe that I made some impression on Mr. Hay, who did not seem personally unfavorable to us in this matter. I do not know if I have conjectured rightly in the course I have followed. In those points in which I did not know the opinion of His Majesty's Government I was obliged to follow my own, and this has impelled me, without ceding a particle in the right of Spain, to avoid as far as possible any resentment in this matter.

On the other hand, there is no doubt that, upon signing the treaty, the United States were persuaded that they had secured the complete possession of all the group of islands constituting the archipelagoes of the Philippines and Joló (Sulu). To discover afterwards that it was possible to contest part of them, however small it might be, could not be otherwise than a bitter enlightenment. The islands, it appears, have no value whatever in themselves, but apart from the discovery, of which I have spoken, and the consequent diminution of the moral right the United States really believed to be theirs, they fear that (now that there is no legal right) there may be established in the archipelago a third power, which, in view of the proximity to their possessions, would constitute for them a serious difficulty. Mr. Hay had no hesitation in admitting this to me.

The only fear the United States have is that the islands may pass into the possession of a third power, but at the same time they are aware of the improbability of such a contingency—at least for the present.

England, on account of the proximity of her possessions in Borneo, might agree to take them; but it can be assured that they will not, because at present on no account would England make a treaty to annoy the United States; and the islands, by reason of their small value and their situation, placed as they are between the English and American possessions, could not be utilized by any other power. This naturally is clearly seen in the United States, but nevertheless, as unexpected circumstances might arise, the United States have the misgiving before spoken of.

Finally, I proceed to examine the hypothesis of not coming to an agreement regarding the price of the islands, if the United States decide to return them to us. Certainly there would be in this the satisfaction of a moral victory, in having our right acknowledged. But there would be no positive advantage, and there might be a possibility of future discontent. I put aside the improbability (which I

believe assured) of being able to cede the islands to a third power. The islands delivered to us, we will necessarily be obliged to occupy them, which will not only be for the nation a useless expense, but, taking into consideration that they are of no value, and distant from Spain, will surely be a source of difficulties. Their proximity to the American islands in a state of insurrection (there is no telling for what time) might create another danger, because they could serve as a place of refuge for the Filipinos and Joloanos, if the islands were not well garrisoned, as a base of operations for the insurrection. Of this something was hinted, although in a veiled manner, in one of the notes of the Department of State. If, on the contrary, we do not occupy the islands returned, it seems to me that the Americans will not delay long in occupying them again as abandoned territory. In one or the other of these cases, this question might cause us serious conflicts with this Republic.

This combination of reasons has urged me, on giving attention to the telegram of day before yesterday of your excellency (the more so that the matter appeared decided), to make one more attempt to obtain the amount demanded by the Government of His Majesty. I visited this morning the Secretary of State, and notified him of the very just resolution of your excellency to not accept the offer of the United States, and he having expressed regrets, and repeated the reasons already stated for not being able to augment the amount, on my part I represented to him that it was certainly to be lamented that a matter whose favorable termination was assuredly to the interest of both countries could not be arranged in a mutually satisfactory manner for the two. I said to him that without doubt neither Spain nor the United States were able to haggle over such a small amount, but that, nevertheless, now he was speaking of the American House of Representatives, what could be thought of the effect produced in the Spanish Cortes, and in the whole country, when it is announced that the Government had sold two islands for \$50,000; that the universal feeling would be that after all that had passed—that after the United States had taken away all our possessions over the seas—Spain was not in the position, the islands being worth little or much, to make a present to the United States, because it would be impossible to call such a sale anything else. I added that the American Congress could judge whether or not Spain had a right to the islands. If she had not, they need not pay any sum, either great or small, and if she had, they would have no objections to giving \$100,000, which for the United States was a sum as insignificant as \$50,000. Briefly, these were my arguments, for I am not able to repeat all the conversation, which was lengthy. The result, unexpected by me, was that Mr. Hay promised to make an effort to

obtain from the President and his colleagues in the Cabinet the amount named by the Government of His Majesty. I at once gave your excellency notice of this by telegraph.

It will take Mr. Hay some time to fulfill his promise, because the President is away upon his summer vacation, and I understand that he is not consulted, except upon weighty matters. At any event Mr. Hay will advise me the result, and, if not favorable, will answer my last note. It only remains to me to beg your excellency to have the kindness to excuse the length of this dispatch. I think it not only my privilege, but also that it is my duty to set forth frankly to your excellency my opinion upon all questions the management of which is intrusted to me, and this has caused me to examine from all points of view this question, to which, as your excellency sees, I give much importance on account of the consequences it may have; at least I beg that you will not see in this other than my desire to satisfy completely my trust.

Dios, etc.,

THE DUKE DE ARCOS.

No. 22.

The Minister of State to the Minister of His Majesty at Washington.

[Translation.]

MADRID, July 16, 1900.

EXCELLENCY: This Ministry has received your excellency's dispatch No. 98 of the 30th ultimo, which gives an account of the negotiations had with the United States Government for the sale to the same of the islands of Sibutú and Cagayan de Joló. The discreet conduct followed by your excellency interprets faithfully the desires of His Majesty's Government, which, if it did not fix a larger sum, was due to the conscientious conviction that said islands, although on the route to Australia, have little value on account of their configuration and small surface.

If it happens that the United States does not accept our modest pretension, before receiving as small a sum as is offered it would be preferable to not receive any amount whatever.

This I state by royal order for your information.

Dios, etc.,

THE MARQUIS DE AGUILAR DE CAMPÓO.

No. 23.

The Minister of His Majesty at Washington to the Minister of State.

[Translation.]

WASHINGTON, *July 23, 1900.*

EXCELLENCY: Day before yesterday I had the honor of sending your excellency a telegram announcing that at last this Government has resolved to give the \$100,000 which in the name of Spain was asked of them for the cession of the sovereignty of the islands of Sibutú and Cagayan de Joló. The Secretary of State announced this to me and at the same time delivered to me a draft of convention in order to complete this understanding, a copy and translation of which I send your excellency inclosed. It is composed simply of one article in which is stipulated the mentioned cession, but drawn in such a manner as to comprehend other islands, if there are any pertaining to the group of the Philippines which may be found in the same situation as the two now ceded—that is to say, outside the limits of the treaty of Paris. This precaution is to be expected, and as I do not think there are other islands in the same condition, because by this time they would be known, it seems to me that this provision will not be an obstacle against completing the treaty. In case His Majesty and the Government approve the draft, I beg your excellency to please remit me the necessary powers to enable me to sign.

I have expressed to your excellency the reasons which cause me to rejoice excessively at the happy termination of this negotiation, into which I have put as much effort as I was able.

Dios, etc.,

THE DUKE DE ARCOS.

[Inclosure: Draft of treaty. Not printed.]

No. 24.

The Minister of State to the Minister of His Majesty at Washington.

[Translation.]

MADRID, *September 12, 1900.*

EXCELLENCY: I have received your excellency's dispatch No. 112 of July 23 ultimo, with which you inclosed the draft treaty proposed by the Government of the United States for the cession of the islands Sibutú and Cagayan de Joló.

The draft being submitted to the Council of Ministers, I have the pleasure to state that it has met their approbation, with the excep-

tion, as your excellency will see by the draft which I inclose in Spanish text, that necessarily it must be set forth in the proper place that the treaty will be ratified by Her Majesty the Queen Regent of Spain, after approval by the Cortes of the Kingdom, the first paragraph of article 55 of the constitution of the Spanish Monarchy requiring this.

At the same time I transmit to your excellency the necessary powers, in order that at the proper time, and in conformity with the counter draft of the treaty, you may proceed to sign it. I congratulate your excellency in the name of Her Majesty the Queen, and in the name of the Government, for the perspicacity with which you have carried the present negotiations to a completion.

All of which is communicated to your excellency by royal order for your information and proper action.

Dios, etc.,

THE MARQUIS DE AGUILAR DE CAMPÓO.

[Inclosure: Draft of treaty. Not printed.]

No. 25.

The Minister of State to the Minister of His Majesty at Washington.

[Telegram.—Translation.]

MADRID, *October 30, 1900.*

Urge prompt signing of treaty of cession of the islands of Cagayan and Sibutu, so it can be presented to the Cortes. Telegraph me the situation of the matter.

MARQUIS DE AGUILAR DE CAMPÓO.

No. 26.

The Minister of His Majesty at Washington to the Minister of State.

[Translation.]

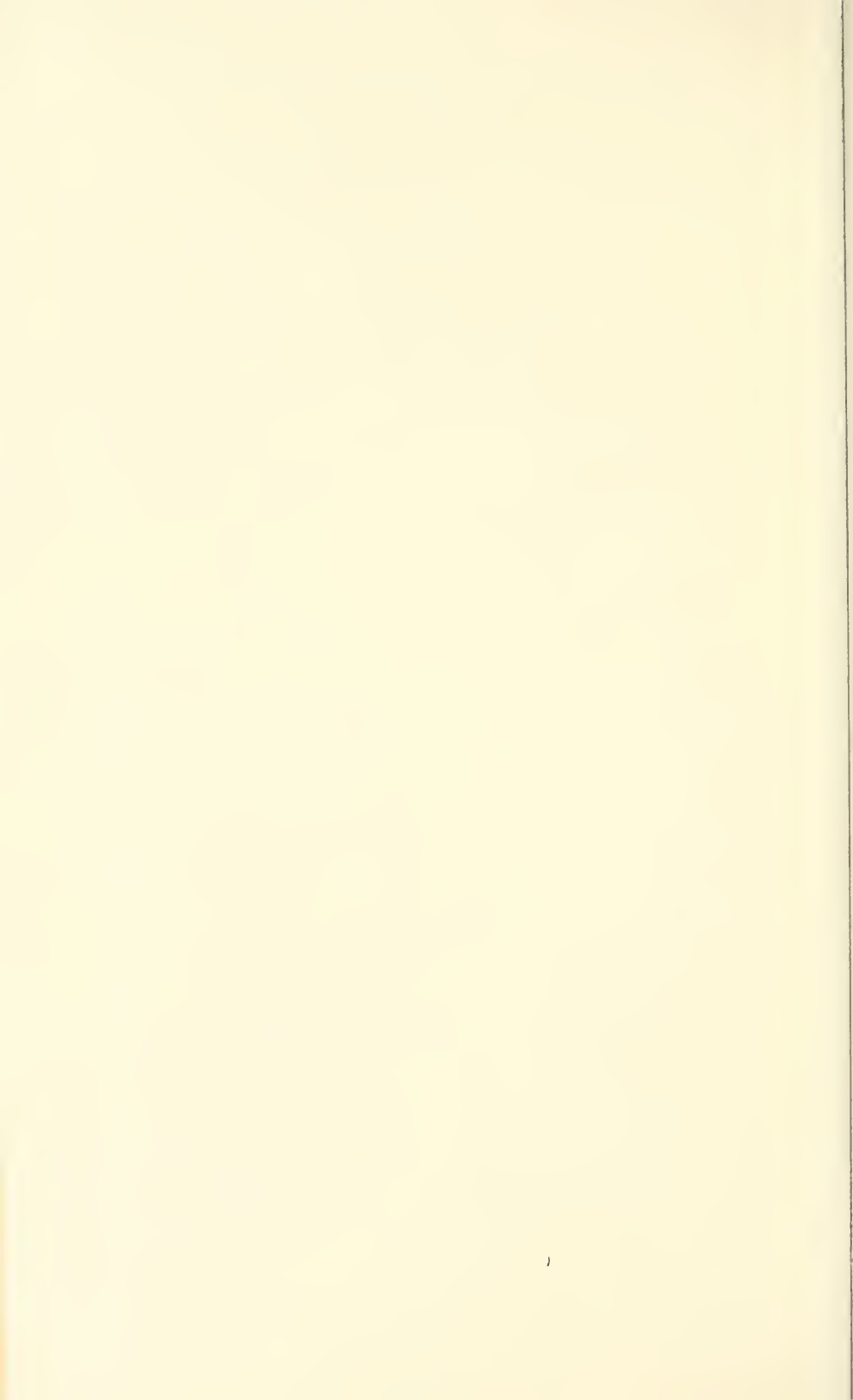
WASHINGTON, *November 7, 1900.*

Signed to-day treaty of cession of the islands. It is sent by post.

DUKE DE ARCOS.

[Treaty is printed on page 887, Foreign Relations, 1900.]









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